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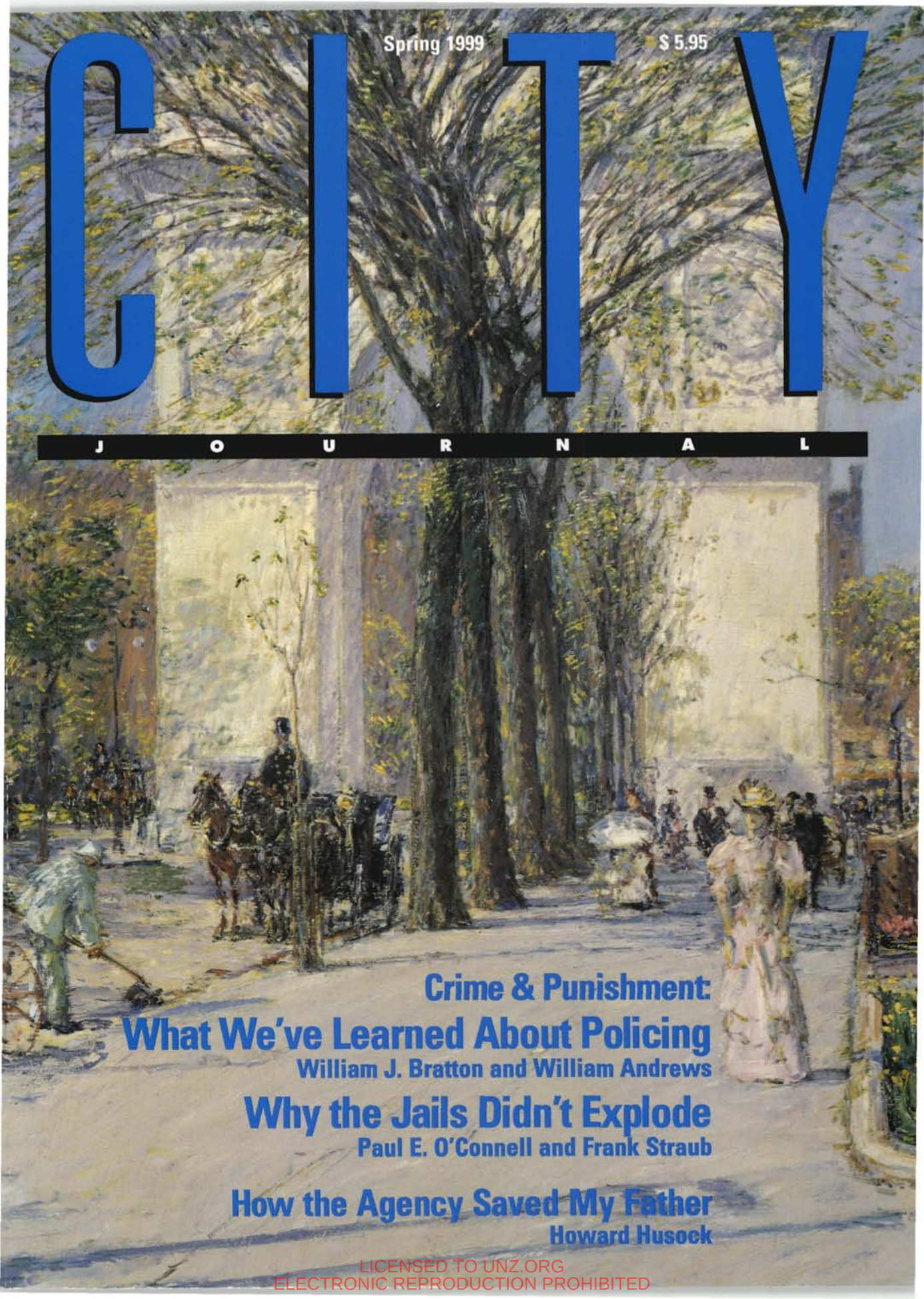

Crime & Punishment:
What We've Learned About Policing
William J. Bratton and William Andrews

Why the Jails Didn't Explode
Paul E. O'Connell and Frank Straub

How the Agency Saved My Father
Howard Husock

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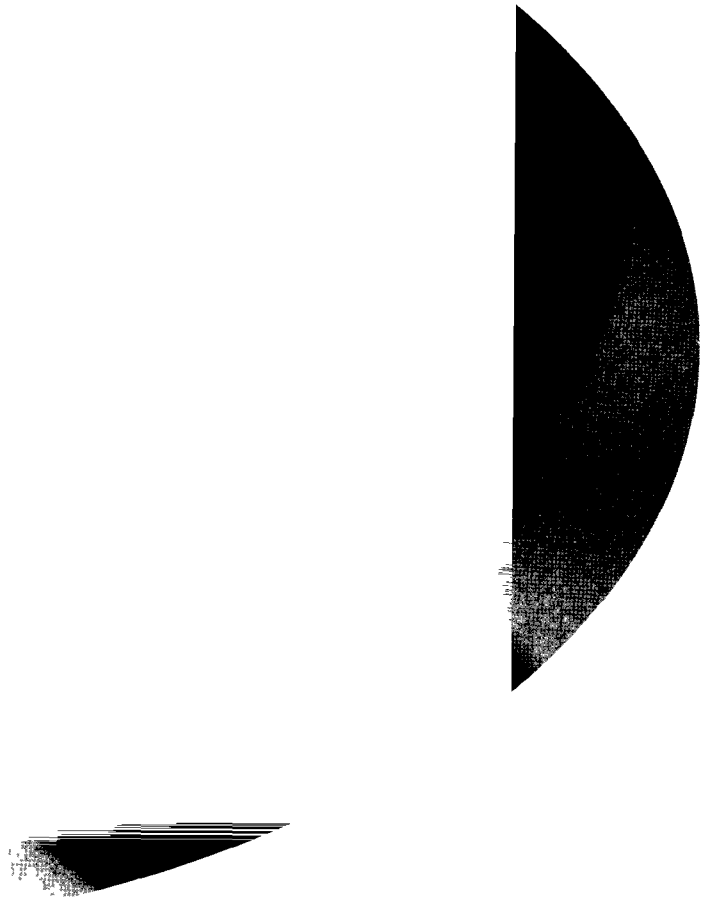

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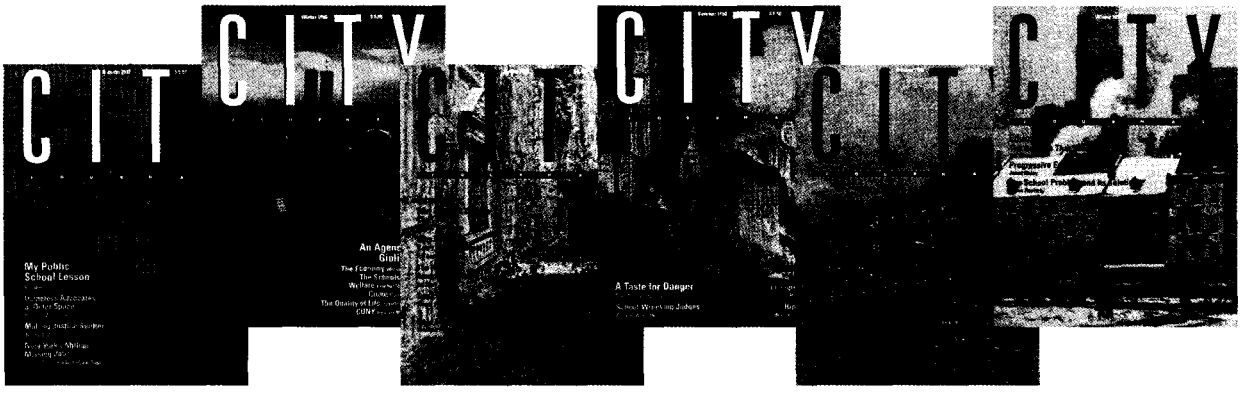

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In Prospect

Recent events give our two cover stories double urgency. First, they provide gripping inside accounts of the most striking municipal policy success in 50 years: the halving of New York's crime rate since 1993. "What We've Learned About Policing," by ex–police commissioner William J. Bratton and William Andrews, is the clearest explanation to date of how Bratton's NYPD achieved that crime reduction. Whereas previous accounts have oversimplified, Bratton and Andrews show that no single magic bullet brings about crime control. Instead, police have developed an array of techniques, from quality-of-life policing to the war on guns, which, rightly combined, can control any crime anywhere. Our story can serve as a guide to these techniques for police officials across the nation.

"Why the Jails Didn't Explode" tells the hitherto unreported tale of another success: the transformation of New York's jails from violent anarchies on the brink of deadly rioting into orderly places. How corrections boss Bernard Kerik achieved this is a model of management. More important, running jails right is key for overall crime control, which requires that potential wrongdoers learn that the authorities won't tolerate disorder and crime. Jails—wall-to-wall in wrongdoers—are just where that message needs unequivocal articulation. Turning a blind eye to violence there, as done previously, can only increase this population's contempt for the law.

What makes these stories even more urgent is the current attack on New York's police tactics, aimed at delegitimizing the city-saving crime drop that is Mayor Giuliani's biggest success. As Bratton and Andrews note, such attacks are nothing new: critics alternate between saying that the police had no effect on crime and saying that they reduced crime by illegitimate "Gestapo tactics." What *is* new is the intense racialization of these charges. Today's critics hold up two shocking recent cases of police violence, the brutalization of Abner Louima and the killing of Amadou Diallo, as proof of a police rampage against black New Yorkers.

These incidents, except that they involved white cops and black victims, have little in common. Press accounts paint Louima's assailants as racist psychopaths; if so, they merit harsh punishment. Diallo's killing, by contrast, seems a tragic accident, with cops mistaking Diallo for a rape suspect and then panicking when they misinterpreted his actions as they approached him. All big-city police forces will have a few bad cops, no matter how hard they screen and train; all will have cops who make mistakes. But neither of these cases represents an official policy of oppressive, anti-black policing, even though at first Louima was reported saying that his assailants crowed, "This is Giuliani time, not Dinkins time"—a charge he later retracted. Such slanders remain the order of the day.

Far from an assault, the Giuliani anticrime push has been a boon to minority communities, which long suffered a plague of lawlessness. Nothing was worse for the law-abiding residents there than the fear of violence that made them loath to work the night shift or to send their kids to buy milk. They lived under what Tom Paine called the primitive oppression of "a banditti of ruffians." We no longer hear of housing projects crackling with gunfire, of families huddled on the floor to avoid stray bullets. Why? Because crime is down in minority neighborhoods even more than in the rest of the city: murder is down 89 percent in Central Harlem and Crown Heights, and 81 percent in Hunts Point. And that's because the police now are active in neighborhoods unpoliced for years, doing any government's most basic job.

If Gestapo tactics accomplished this, why do New York's police shoot and kill far less often than other big-city police departments? Why are Civilian Review Board compaints down 14 percent since 1995? If minority neighborhoods live in terror of the police, why do they call 911 more often than anywhere else in town?

Criticism is fine, but charges of police Gestapo tactics are calumny. A race hustler like Al Sharpton has taken this line at least since he embraced the Tawana Brawley fraud. But for elected officials to invite arrest for civil disobedience to underscore such charges, as if they lived under laws too illegitimate to respect, is disgraceful. Poor dim David Dinkins does it to try to rewrite history: see, he was right to keep police ineffectual, as when they let rage for three days the Crown Heights pogrom on which his failed mayoralty foundered. Otherwise, they would have used Gestapo tactics. But when other black elected officials do it, cheered on by the *New York Times* and Mark Green and Clinton cat's-paw Bill Lann Lee, their behavior is shameful, fanning the very racial tension they blame on the police. ■

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Soundings

Elect, Don't Settle

Something bad happens to New York City if Mayor Giuliani runs for the U.S. Senate in 2000 and wins: Public Advocate Mark Green becomes mayor for the remaining year of Giuliani's term. As the entrenched incumbent, Green then gains a leg up in the ensuing race in 2001 for a full four-year mayoral term. As mayor, Green doubtless would seek to restore the welfare state, to ratchet up taxes, and to reintroduce a racial spoils system—in short, to return Gotham to 1993. Perhaps New Yorkers want to return to Dinkins-era policies and the discredited, far-left criminal-justice strategies of Ramsey Clark, whose two Senate campaigns Green managed; but if they do, it should happen in a fair election, not through the back door of an undemocratic succession.

That's why it's a good idea to amend the city charter to mandate a special election if the mayor vacates his office, as City Comptroller Alan Hevesi, a probable Democratic mayoral contender, has been arguing. Amendment opponents, Green included, contend that this would be an unfair, eleventh-hour change of the constitutional rules, clearly aimed at Green himself. But this argument ignores the fact that the useless office of public advocate owes its existence to the undemocratic back-door dealing of the 1989 Charter Revision Commission.

The commission, remember, grew out of a federal court "one man, one vote" decision that killed the old Board of Estimate, a body that shared power with the mayor and City Council over the budget and land-use issues. In reassigning the board's powers, the charter commission was set to junk the office of city council president. This official ceremoniously presided over the City Council, but he was not a city councilman and had no vote in the body. His real function was his voting membership on the powerful Board of Estimate, a function that vanished with the Board's demise.

In a compromise deal, though, the office mutated into the public advocate, with vague new duties as a government ombudsman. Almost as an afterthought, the commission left in place the 167-year-old provision that stipulated that the city council president—now the public advocate—should become mayor if an elected mayor doesn't finish his term. When the Board of Estimate existed, this made some sense, as the council president was the second-highest official elected city-wide; today the city Comptroller is the second-highest elected official.

Many commission members feared that, with such a vague definition of its duties and without clear-cut governing responsibilities, the public advocate's office would quickly degenerate into a taxpayer-funded, $3 million-a-year permanent election campaign—exactly what happened during Andrew Stein's last term as public advocate as he prepared to run for mayor. Mark Green, too, has used the office to run campaigns, first for the Senate and now for mayor.

Though *City Journal* can't pretend to have an impartial view on the subject—our opposition to Green's destructive old urbanism is a matter of record—the larger picture is clear: no occupant of this permanent campaign office should become mayor without going through a real campaign, a special election to fill out the departing mayor's term. On the local level, after all, New Yorkers don't vote for a chief-executive-in-waiting—like a vice president or lieutenant governor—supposedly committed to carrying on his chief's policies should the need arise. The mayor thus should appoint a charter revision commission to change the succession rule in time for the voters to approve it before the 2000 election. That way, New Yorkers can get a new mayor democratically rather than by accident and default.

—*Myron Magnet*

Workfare Works

A few years ago, old-paradigm welfare experts still were saying that the mammoth welfare caseloads of those days sprang from economic and social injustice. These Jeremiahs claimed that the new-paradigm approach—workfare—could do little to reduce these caseloads, because while most welfare recipients wanted to work, there weren't enough jobs. And even if jobs *were* available, shortages of day care, transportation, and job training made employment unrealistic for them. Yet, early work-related reforms in Wisconsin and Oregon cut welfare rolls by as much as one-fourth in a single year. Then, after federal welfare reform kicked in

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during early 1997, caseloads in the Aid to Families with Dependent Children program—re-christened Temporary Assistance to Needy Families (TANF)—fell 30 percent nationwide.

As hostile data overran their initial position, the old guard regrouped. Sure, they admitted, welfare caseloads fell in some states, but robust state economies were responsible, not workfare. Moreover, these

ERICH HARTMANN/MAGNUM PHOTOS

experts warned, the reductions represented the "easy" cases; declines would taper off once reforms reached the harder-to-employ. Workfare supporters stuck to their guns, crediting work requirements for the diminished welfare rolls.

Who was right? If we disaggregate the national data, which mask huge state variation—some states reduced caseloads by 75 percent or more, while others have barely budged them—we can answer the question empirically.

If the robust economy is the prime mover, then states with speedy caseload decline should have zesty economies, right? But rates of caseload decline don't correlate to such key economic variables as unemployment rates or job growth. Indeed, states with higher rates of caseload reduction have slightly higher rates of unemployment than states with smaller reductions.

In fact, rates of state welfare decline closely track the different ways in which different states implemented workfare. Of particular importance is the firmness of a state's sanctions. States with tougher workfare programs treat a welfare check much like a paycheck, which the recipient must earn through a closely supervised job search, community-service work, or participation in on-the-job training. If the recipient fails to do his part, the state can cut off his welfare check. At the other extreme are states with lenient sanctions: if a recipient in these states fails to perform a required activity, she risks losing only the so-called parent's portion of the TANF check, some 12 percent of the whole. The bulk of the check—supposedly the "child's portion"—continues, impervious to bad behavior.

Ranking the 50 states by magnitude of caseload reduction, we find that nearly all those with big drops have prompt, stiff sanctions for bad behavior. In contrast, nearly all the states with low caseload reduction let recipients off easy. States with moderate sanctions clump in the middle. The two biggest states, California and New York—with a full third of the national TANF caseload between them—have wimpy sanctions. Not surprisingly, California ranks 36th among the states in recent caseload decline, while New York ranks 41st.

Another key variable is the timing of work requirements. States that require welfare recipients to work immediately upon enrollment tend to have greater reductions in dependence. Taking the most recent 18-month period with full data available (January 1997 to June 1998), it turns out that states with immediate work requirements and fast, tough sanctions cut welfare rolls 50 percent, on average. States with soft sanctions and no immediate work requirement rolled back caseloads only 14 percent.

Do the commendable effects of work programs taper off once states winnow the "easy cases"? Look to Wisconsin, which has the nation's toughest work requirements. The state's initial

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AFDC population, including a knot of hard-core dependency in inner-city Milwaukee, closely resembled the national caseload. For years, the pace of caseload reduction *accelerated* in Wisconsin as welfare rolls shrank. In recent months, the decline has slowed—but only after the welfare rolls had plummeted 90 percent. The remaining adult recipients must perform community service to get aid. By Wisconsin's standards, most states have barely begun to reform. —*Robert Rector*

A for Activism

Worried that college students are spending too much time studying rather than protesting? Relax: in his new book, *When Hope and Fear Collide: A Portrait of Today's Student*, Columbia Teachers College president Arthur Levine wants you to know that today's students are just as activist as in the sixties' glory days. What a relief! The thought that students were using precious college time to read Melville and Hume instead of occupying their college president's office certainly was keeping me up at night.

Levine and co-author Jeanette S. Cureton surveyed thousands of college students nationwide about their political views and activities, among other topics, and happily report that today's students are nearly as likely to demonstrate as in the banner year of 1969. In a recent op-ed in the *Chronicle of Higher Education*, Levine marvels at the sophisticated technology now used to coordinate sit-ins ("lap-tops and cell phones"!) and gushes at the "conciliatory and non-ideological tactics" of today's student protesters. Conciliatory? Since when was stealing and destroying newspapers—a favorite tactic used to silence *samizdat* opinion on affirmative action—conciliatory? How about hunger strikes, that beloved tactic of self-dramatizing minority students, offended at some imaginary slight? Or faked hate crimes, an increasingly popular stunt to force action on gay and minority demands?

That anyone should set out seriously to determine whether students are protesting enough is one more sign of the utter bankruptcy of higher education. Students who cannot write a coherent paragraph, who cannot distinguish Kepler from Kipling, and who have read at best five books in their lives, claim to be oppressed by studying dead white males like Shakespeare—and we're supposed to pay attention? Students who can't find Viet Nam on the map, and who haven't the slightest comprehension of Third World economics, much less how to run a business, try to dictate labor conditions for foreign garment factories—and we're supposed to heed their demands? Well, sure: because in today's academic world, feelings count more than knowledge.

Besides, responding to protests is so much more exciting than educating students. During a hunger strike at the University of California at Santa Barbara over alleged insensitivity to Latinos, teams of administrators spent up to five hours every day negotiating with the protesters. When the protest ended, the Vice Chancellor enjoyed a heartwarming and photogenic moment breaking bread with the strikers. All much more gratifying, no doubt, than figuring out how to teach barely literate students how to write.

And student protest can be quite useful to administrators seeking to push their campuses ever further left. After a hunger strike at the University of Colorado protesting the denial of tenure to an Hispanic professor, the university president appointed a commission to investigate possible faculty racism and announced her support for multicultural curricular reform and an ethnic studies department. The courageous students, you see, made her do it.

Levine reports solemnly a pronouncement by a student sage on the dire social decline of America: "Rome fell; Greece fell; why not the United States?" Before taking such adolescent melodrama seriously, he should have asked the student if he knew *when* Rome fell.

—*Heather Mac Donald*

Whitman Wimps Out

Early in March, New Jersey's governor Christine Todd Whitman fired her state police chief, Col. Carl Williams Jr., for "insensitivity." A reporter had asked Williams—a 35-year veteran nicknamed "the Truth" for his integrity—about the charge that Jersey's state police practiced racial profiling: deliberately pulling over black motorists and

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searching their cars for drugs more frequently than those of whites. Williams denied it but guilelessly observed that various ethnic groups play different roles in the drug trade: "If you're looking at the methamphetamine market, that seems to be controlled by the motorcycle gangs, which are basically predominantly white," Williams said. Jamaicans dominate the heroin market, he added, while Russians and Eastern Europeans drive other drug markets. After the comments ran in Newark's *Star-Ledger*, minority activists cried racism, and Whitman summarily canned her top cop.

Firing Williams was wrong. Law-enforcement officials know, as Williams impoliticly admitted, that ethnic groups participate unequally in various drug markets. In fact, as William J. Bratton and William Andrews explain in "What We've Learned About Policing" on page 14, better police strategy—deploying resources where they will have an effect—has had much to do with pushing down crime rates nationwide. Are police simply to ignore the ethnic or racial component to crime, whatever its cost to their effectiveness?

The racial profiling charge is tricky. A 1996 New Jersey court ruling found no formal state police policy of profiling, but statistics showed that blacks were 13 percent of the drivers on the Jersey Turnpike's southern section and 35 percent of those stopped by the police—a disproportion, in the court's view, that amounted to *de facto* racial discrimination.

HARVEY WANG

But as sociologist Jackson Toby argued in the *Wall Street Journal*, blacks are responsible for a disproportionate amount of the country's serious crime: 46 percent of the state prison inmates, who've been convicted of crime, are black, even though blacks constitute only 12 percent of the population. As Toby concludes, "Why should [blacks] not be equally overrepresented in drug trafficking, which is less easy to measure statistically?" Rather than being racist, Jersey cops simply might be skilled in recognizing drug traffickers. The statistical discrepancy is by no means in itself evidence of racism.

The remarkable rollback of crime in U.S. cities has been such good news that advocates of the old discredited theories of crime have remained mostly silent in the face of it. That silence seems to be ending—in part because of the tragic police shooting of Amadou Diallo in New York. But political leaders, particularly ostensible conservatives, shouldn't kowtow to racial demagoguery so readily and pressure law-enforcement officials to ignore reality in favor of egalitarian fantasy. Down that road lies more crime.

—Brian C. Anderson

Free the Druggies?

In March, the Bureau of Justice Statistics reported that the U.S. prison population had increased yet again, by 4.4 percent in 1998, to a new high of 1.8 million. Predictably, alarms started ringing. One in 150 Americans—and worse, one in 12 black Americans—now were behind bars, the *New York Times* grimly observed. Britain's normally staid *Economist* lapsed into hysterical hyperbole: "The scale of imprisonment in America is now unmatched in any democracy, and is greater than even most totalitarian governments have ever attempted."

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Soundings

The villain here, incarceration critics charge, is America's benighted drug laws. Nearly 60 percent of federal prisoners and 22 percent of state prisoners are drug offenders, the *Times* pointed out. Since many are nonviolent, wouldn't it be more rational to release them into drug treatment or community service programs, the *Times* demanded. Many of these poor folks need treatment, not punishment.

Bunk. Many of these prisoners may be nonviolent, but almost all have been jailed for selling significant quantities of drugs or have committed multiple offences. Few or none are merely hapless recreational pot-smokers. The crimes of these drug pushers are not victimless, even if they are nonviolent: the victim is public order, for these are precisely the quality-of-life criminals whose activities make public spaces and entire neighborhoods disorderly and threatening, leading to the growth of serious crime. Releasing them from jail by the thousands will almost certainly turn such places as Washington Square Park and parts of Central Park into squalid drug supermarkets once again.

It's theoretically conceivable that some few of these offenders sold narcotics to support their own habit, and arguably they might benefit from such diversionary programs as drug court—though this program is more appropriate for people charged with petty drug possession, not for the serious dealers who fill our prisons. But most dealers aren't in business to support their habits; rather, as Theodore Dalrymple has argued in these pages, they are habitual criminals for whom drug selling is only part of a lawless way of life. Even if they stop selling drugs, they'd be unlikely to become upright and productive citizens. It's naïve to think that drug treatment or community service would straighten them out.

—Peter Reinharz

Appalled by Sprawl?

Happily, critics haven't given a free ride to Vice President Al Gore's campaign to limit "suburban sprawl." Gregg Easterbrook in *The New Republic* and Michael Kelly in the *Washington Post* have jeered that Gore's desire to snuff out suburban development looks suspiciously like a way to protect the property values and privileges of the upper middle-class at the expense of the unwashed who would come to live in the tract houses or shop at the discount stores that suburbanization spawns.

What critics haven't pointed out, though, is that the urban policies that Gore and his boss, Bill Clinton, support—the vast, 30-year, government-led effort to steer capital to older city neighborhoods—helped drive development to the suburbs and create the putative problem the V.P. now warns us about. The Community Reinvestment Act, for example—which the Clinton administration enthusiastically backs—strong-armed lenders to cough up $681 million in loans in older urban neighborhoods last year. Many loans predictably went to nonprofit community development groups to fix up run-down apartment buildings and renew blighted inner-city commercial areas. Direct public investment through today's HUD "empowerment zones" or through such earlier federal programs as the Urban Development Action Grant also aimed at propping up economically impoverished city neighborhoods.

These interventionist policies have interrupted the market processes through which cities renew themselves. If regulators let the market work, land in these neighborhoods would become less expensive as old and no longer profitable uses for property were abandoned. Over time, developers and new immigrants would rediscover vacant lots and forsaken properties and put them to productive new uses. Instead, government interference has created a false market of "public-private partnerships" that props up failing apartment buildings and commercial areas. The interventions—together with high city taxes, labor costs, and environmental regulations—have stood in the way of recycling older urban areas for new development.

Confronted with these obstacles, developers seek the course of least resistance: the outer suburbs. At that point a shocked Al Gore cries "sprawl" and struggles to control development through public planning—a sure way to stifle the dynamism of cities. (Just visit Brasilia.) Far better to find means to boost real private investment in older urban areas and wait for the "sprawl" problem to correct itself. *—Howard Husock*

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Race and Truth

The setting was a small liberal-arts college, the subject was race relations, and just a week or so after the shooting of Amadou Diallo, the audience—mostly minority students—was outraged. Little was known then about the facts of the case, other than that the four policemen were white, Diallo black, and that some ghastly mistake had been made in the vestibule where the West African peddler died in a rain of bullets. Still, the students felt they knew all they needed to know: they were convinced that the shooting had been racially motivated.

But the students' reaction wasn't unusual, of course. Blacks and sympathetic whites across New York were saying the same thing that week at angry downtown demonstrations. But what made the campus meeting so poignant, and so upsetting, was the way these students had personalized the Diallo story. For them, the episode spoke a kind of psychological "truth" that nullified any facts about the case.

The most incensed insisted that the officers had acted in cold blood, sadistically targeting an innocent black man. Others could see the possibility of human error—that the police might have mistaken Diallo for the armed black rapist they were seeking—and they were willing to concede, albeit hesitantly, that the cops might not have acted out of conscious bigotry. But this group, too, thought that racism had played a role: the unconscious "institutional racism" of "the white system."

HARVEY WANG

"How do you explain that 100 percent of the civilians killed by New York police in the past five years were people of color?" one young man demanded. In fact, the figure is 85 percent—a number roughly comparable with the percentage of New York crime that involves blacks and Hispanics (84 percent of the murder victims and 92 percent of the homicide arrests in this period). But this hardly mattered to the angry student or his friend, who answered that official crime figures were inherently unreliable—a reflection of the way racist white police arrest blacks disproportionately. Student after student stood up to make similar emotional claims and to equate what had happened to Diallo to what they said happens frequently on their campus when security guards stopped minority students to ask them for their I.D. "How can you talk about integration?" one Hispanic youth asked. "We can't even walk in the same public spaces you do. Diallo just proves what all of us have known in our hearts all along."

It was hard to know what to say. That many of the students were the first in their families to go to college, that several had been recruited through an inner-city outreach program, that a number benefited from sizeable scholarships, and that they were welcomed eagerly on their predominantly white, suburban campus—none of this seemed to matter. Nor did they care that Giuliani administration police tactics had made the city neighborhoods that many of them called home so much safer. Indeed, if 1993 citywide murder rates had remained steady, 2,299 more black New Yorkers and 1,842 more Hispanic New Yorkers would be dead today. Perhaps most troubling, it never occurred to the students that the people whom their anger would hurt most were not their well-

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intentioned professors or New York police, but themselves. Never mind. When it comes to race, emotion still trumps fact, and to ask for a sense of proportion is to look like just another racist. —*Tamar Jacoby*

Crew Mutinies

Most striking about New York schools chancellor Rudy Crew's threat to resign over Mayor Giuliani's proposed experimental voucher program was its lack of proportion. After all, this same Rudy Crew has never seemed alarmed that 13 of the city's school districts compose a "dead zone," in which virtually every school is failing. Crew claimed that he made his stand to protect the city's $10 billion-a-year education system. But he never explained how letting a few thousand poor children escape failing public schools to attend private schools could possibly worsen things for the rest of Gotham's 1.1 million public-school kids.

Evidence from Milwaukee suggests just the opposite: vouchers help the public-school kids left behind, because competition speeds up public-school reform. In Milwaukee, opponents of the state-sponsored voucher program include only the local teachers' union and a few tawdry left-wing interest groups. A true rainbow coalition, including the business community, Democratic mayor John Norquist, and leaders of the local black community, is working not only to make voucher schools succeed but to improve the public schools, too.

Officials of the Milwaukee Public Schools (MPS), for example, aren't petulantly quitting over losing students to private schools. Instead, they've learned to live with the voucher program—and even to profit financially from it. MPS has adopted at least one secular voucher school as its own. By taking in more dollars in per-student state aid than it sends to the voucher school, MPS has turned a profit, so now it can spend more on the other public schools (see "The Schools That Vouchers Built" Winter 1999). School officials are also offering Milwaukee parents a wider array of choices within the system, including several new charter schools. In addition, the MPS board has stood up to the teachers' union on onerous work rules. Merit now trumps seniority in job assignments more often, and incompetent teachers get fired more easily.

Mayor Norquist, touring the country, argues that vouchers have created a winning situation for everyone in Milwaukee. He believes that the plentiful educational choices—voucher schools, charter schools, and traditional public schools revived by competition—will help lure middle-class families to the city. For now, sadly, it's hard to imagine New York's Democratic pols and its public-education establishment adopting Milwaukee's healthy approach to school choice. United Federation of Teachers president Randi Weingarten promises, "We will fight with every resource at our disposal any attempt by the mayor to create a voucher system in this city." The UFT's resources indeed are impressive. All the more reason, then, to hail Mayor Giuliani's courage in taking on what promises to be a long fight for the beleaguered parents of New York's schoolchildren. —*Sol Stern*

Campus Glasnost

The spectacle of the swift hand of injustice swatting that hapless Washington, D.C., aide who uttered the dread word "niggardly" reminds us that the PC police still are out in force, patrolling college campuses, the business world, and government offices. But can that be light at the end of the tunnel we faintly glimpse?

As Jonathan Rauch recently reported in *The National Journal*, the faculty of the University of Wisconsin at Madison has voted to revoke the university's speech code limiting professors' speech and to reaffirm its commitment to freedom of speech and academic freedom. You might think this would go without saying at an establishment supposedly dedicated to intellectual inquiry. But no. As Rauch observes, the University of Wisconsin has been an "epicenter of political correctness." In the 1980s, when Donna Shalala was chancellor, the university implemented one of the most wide-ranging speech codes in the country. "The university is institutionally racist," Shalala charged at the time. "American society is racist and sexist. Covert racism is just as bad today as overt racism was thirty years ago."

Of course, "institutional racism" is one of those convenient Orwellian categories that

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have proved so effective in the PC assault against individual liberty and free speech. After nearly 20 years of groundless charges of racism, sexism, anti-Semitism, and so on, the Wisconsin profs at last woke up.

Something may be stirring at the University of Massachusetts at Amherst, too. Some refer to that town as "the People's Republic of Amherst," because political correctness took root there early and has flourished luxuriantly. But writing in the *Boston Globe*, Robert M. Costrell, a professor of economics at UMass Amherst, noted that the university is scaling back its race-based admission policies and is beginning to assess the moral and intellectual damage its embrace of education by racial preference has caused. It will be uphill work: "The culture of racial preference is woven deeply into the policies and the infrastructure" of the university, Costrell noted, "and it will not yield gracefully to the law." Nevertheless, the university's general counsel has directed the chancellor to end a quota-based admission policy.

Encouraging signs, certainly; but it would be a mistake to make too much of them. Regarding the battle against political correctness, we are more or less in the position that Winston Churchill described in 1942: "Now is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning." —*Roger Kimball*

HARVEY WANG

Cracking the Code

Building codes have long hindered the revitalization of older cities. The codes tend to require developers who'd like to rehabilitate old buildings to redo doors, hallways, or windows because they don't meet rigid modern standards—sometimes by just a few inches—even though the structures are usually safe. Rehabilitation thus often means ground-up rebuilding, which can cost developers far more than building something new and leaving older buildings to rot.

New Jersey's Department of Community Affairs has a solution. The state's old code demanded a complete rehab of an older building, even if minor repairs were all a developer or owner wanted. The new Rehabilitation Subcode—the first of its kind in the nation—makes it cheaper to refurbish old buildings, most of them located in urban centers like Jersey City and Trenton, by establishing more flexible standards, so a developer won't have to replace, say, a perfectly fine window just because it's four inches too narrow.

One year after the subcode's ratification, New Jersey's urban centers have seen some of their oldest buildings given a new lease on life. Jersey City's 203 Academy Street, for example, stood vacant for years before the subcode made its rehab financially feasible. Now, the top three floors of the four-story building comprise 24 units of senior-citizen housing, and the bottom floor serves as a day-care center. The building's owners saved nearly $400,000 renovating under the new rules. In Trenton's historic Mill Hill, the subcode made feasible the conversion of a 1920s garage—boarded up for two decades—into a private residence.

Half of New Jersey's $7 billion construction industry is rehab work, so future savings—and neighborhood revitalization—promise to be considerable. —*Norah Vincent*

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Crime & Punishment:

What We've Learned About Policing

William J. Bratton and William Andrews

In New York, we re-engineered the Police Department, reinvented policing strategy—and discovered that cops can control crime in any neighborhood of any city.

Everyone knows about New York's spectacular crime turnaround, with murder down 68 percent and overall felonies down 50 percent in the five years since 1993. But how we accomplished that turnaround—and what we've learned about how to police New York—isn't widely known or fully understood. It should be, because the New York story adds up to a textbook on how to police any big city.

Our success rested on two major changes. First, we had to remake the NYPD into an effective, focused organization. Second, we had to use this instrument actually to police the city by developing strategies and tactics that would prevent and uproot crime rather than just react to it. In practice, of course, these were parallel, often overlapping efforts. The re-engineering was more challenging than the strategizing; and if we hadn't changed the way the department did business, it wouldn't have mattered what field strategies we chose, because we wouldn't have been able to translate them into practice.

Professors of business administration and organizational management would have caught on to what we were doing right away, since it was no different from the restructuring and re-engineering that had transformed American business in the late 1980s and early 1990s. Like the corporate CEOs of that era, we began with a large, unfocused, inward-looking, bureaucratic organization, poor at internal communication or cooperation and chronically unresponsive to intelligence from the outer world. We reduced layers of management, drove responsibility down to the operating units, improved communication and data processing, tightened accountability, and rewarded results. In short order, we had the NYPD's bureaus and divisions competing with criminals, not with one another.

Police work is by nature decentralized and discretionary. The cop in the field, the front-line supervisor, the precinct commander—these are the real decision makers in day-to-day police work. The only way you can control a

In the past, NYPD brass wanted officers not to do real police work, to prevent scandal and friction with community activists.

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You can't control crime without controlling narcotics, as in this drug bust.

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KATHY WILLENS/AP

police department from headquarters is if your aim is to prevent police from doing anything, rather than to have them function effectively—and for many years that was precisely the aim of the NYPD. The organization didn't want high performance; it wanted to stay out of trouble, to avoid corruption scandals and conflicts in the community. For years, therefore, the key to career success in the NYPD, as in many bureaucratic leviathans, was to shun risk and avoid failure. Accordingly, cops became more cautious as they rose in rank, right up to the highest levels.

One anecdote that a deputy chief likes to tell perfectly captures how risk-averse the department had become. One weekend in the late eighties, when he was serving as duty captain in upper Manhattan, he arrived at a crime scene where cops had arrested two drug dealers, one of whom had tried to flee to an apartment. The deputy chief helped the cops secure search warrants for the apartment and a safe they found inside it—which contained drugs, cash, and weapons. The next day, the borough commander—"apoplectic with rage," the deputy chief recalls—called him in to yell at him for seeking a warrant. "It's people like you who cause problems in the department," the commander roared. If something like that happens again, the commander ordered, "you will walk away." Sums up the deputy chief: "I, as a captain, was not supposed to encourage these officers to do police work. My job was to stop them from doing police work." After all, something could go wrong.

As for its management philosophy, the NYPD combined the worst of both worlds: it was a micromanaged organization that was strategically adrift. "Cops felt," as one prosecutor remembers it, "as if the brass were checking up on them, not backing them up." Management consisted of sending sergeants around to make sure that patrolmen were at their assigned posts. Woe to the cop who wasn't there—even for a good reason—when the sergeant came at regular intervals to sign his memo book. The message: just sit there and get your ticket punched.

We had to change the department's methods and mind-set. The first step, when author Bratton became commissioner in 1994, was to draw as

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many people as possible into the planning process, especially the precinct and unit commanders, who corresponded to a corporation's middle managers, and the sergeants and lieutenants, who were, in effect, the front-line supervisors. "Bratton ran an organization that was open to talent," says Jack Maple, a former NYPD deputy commissioner for crime-control strategies. "It was an organization of inclusion, where people weren't afraid to come up with the wildest ideas." Maple himself was a prime case in point. When only a Transit Police lieutenant, he caught Bratton's attention with an idea-crammed memo on how to control robberies in the subway, and he rose rapidly thereafter.

We brought almost 500 people into the planning process, serving on 12 re-engineering teams that questioned everything in heated debate that sometimes escalated to a free-for-all. "An organization as big and as venerable as the NYPD accumulates a lot of bad habits," points out John Timoney, who was chief of department in 1994 and first deputy commissioner in 1995 and is now Philadelphia's police commissioner. "We did things a certain way because we had always done them that way. We had to banish the phrase,'We have always' from our vocabularies. We had to start asking, 'How should we do it?' and 'How can we do it better?' "

Ideas and innovations bubbled up. The commissioner didn't originate most of the ideas that ended up transforming the way we did business; instead—and crucially—he created the atmosphere in which paradigm-breaking ideas could flourish. A December 1994 plan of action listed more than 600 recommendations, of which we adopted more than 400. We raised recruiting standards and improved training for the real world of police patrol. We redesigned the uniform with input from the officers who wear it, and, with the advice of the police unions, we revamped the archaic discipline system to make it swifter. We retooled our job-performance evaluation system. We even changed our super-secret internal-affairs process, bringing precinct commanders into internal investigations, which strengthened our capacity to prevent and detect police corruption and abuse. Formerly, only a half-dozen internal-affairs officials attempted to control misconduct in a 38,000-person department.

But the most important reform we made was decentralizing the department, devolving power to the precinct commanders and creating a career path for them to ascend. In the old NYPD, precinct commanders had little genuine authority. They couldn't conduct an anti-prostitution operation or use plainclothes officers in anti-drug operations; they couldn't secure search warrants and conduct searches. These constraints reflected a deep mistrust of the precincts, a fear that something could go terribly wrong out there that would embarrass the command staff. But as Robert Johnson, head of the private First Security Services and a member of Bratton's kitchen cabinet, puts it: "A management team that concentrates on preventing failure usually forecloses success. When you don't trust your basic resource, it's hard to perform your basic business."

The precincts are the primary unit of policing, and the precinct commanders are policing's equivalent of corporate line managers. It was just plain crazy to limit their options. Worse, the precinct commander's job was all downside risk in 1993, just before we arrived; there was no real way to succeed and a dozen ways to fail. An outstanding precinct commander's performance against crime would have gone largely unnoticed—nobody was monitoring that kind of success—but a corruption scandal or a mishandled community incident could set a career back years. No wonder that captains tried to hurry through their precinct commands and move on to less career-threatening assignments in the bureaucracy at 1 Police Plaza.

We gave precinct commanders—typically people with 15 years' experience, a college education, and a sophisticated knowledge of the city and the department—the authority to run what amounted to miniature police departments. John Timoney devised a new career ladder for these commanders, ascending from one of the 35 "C" precinct houses with moderate workloads to one of 31 higher-pressure "B" houses and ultimately to one of the 10 extremely busy "A" houses. As a commander rose through these steps, he could advance from captain to deputy inspector to inspector without ever leaving the precincts. A few battlefield promotions made it clear that precinct command was the place to shine in the NYPD.

The good commanders reveled in their new authority, and their precincts became natural are-

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nas for team building. Their cops were energized. Cops like to do police work: stinging a drug dealer with a buy-and-bust operation, executing a search warrant at the apartment of a gun dealer, even catching someone blasting a car radio with a decibel meter—these are interesting jobs compared with regular patrol. They are also team activities that give the workers a shared sense of purpose and a renewed sense of energy.

Accountability goes hand in hand with decentralization; you can't give all that power away without a means of maintaining strategic oversight. The NYPD does that through its now-famous Compstat process, which uses computerized crime statistics, electronic crime maps, and intensive crime-control management meetings to guide and monitor the department's anti-crime strategies.

"A management team that concentrates on preventing failure usually forecloses success."

From the start, Jack Maple had insisted on timely weekly data about crime in the precincts, an approach completely foreign to the NYPD, where crime data typically lagged events by up to three months. Because we couldn't live with flying blind, not knowing what was actually happening precinct by precinct and week by week, Maple, Chief Louis Anemone, and Anemone's staff developed the basic format for the weekly report that the department has been using ever since. It showed weekly felony crime and arrest data for every precinct, comparing it with the totals for the previous week and the month- and year-to-date totals. Compstat was the computer-file name of this report, a contraction of "comparison statistics." Maple and Anemone began going over the new data at meetings with precinct personnel, quizzing commanders about crime in their precincts and what they were doing about it. Soon they were using pin maps and acetate overlays to display the patterns of criminal activity. They began calling in special unit commanders and narcotics commanders. The Compstat process was off and running.

As Compstat grew more sophisticated, we began computer mapping the crime patterns and displaying the maps on large overhead screens. We could identify local crime increases almost immediately and respond to them rapidly with effective measures before they could add up to a big, city-wide crime spike. You could see the clusters of shootings, robberies, burglaries, and car thefts. We mapped arrest and patrol activity and compared crime incidents with police response. If the two didn't match up, you knew you were doing something wrong. We compared our deployment patterns with time-of-day graphs that showed when crime spikes were occurring. Compstat's maps helped make sure that we were putting our resources where the problems were, and when they were happening. We could quickly assess whether new strategies and tactics worked or failed.

Compstat enforced cooperation among the department's many bureaus and units. Every week, a different group of commanders from a particular part of the city stands up at the podium to get grilled about crime and prevention in their precincts, but every other relevant special unit and task force commander for that area of the city is also present and must be prepared to respond. Just having them all in one room instantly cut the bureaucratic Gordian knot. Chief Anemone and Deputy Commissioner Maple could broker solutions to current problems on the spot. Was drug dealing causing an increase in shootings? Narcotics enforcement could be called in swiftly. Were burglaries on the rise in a community? The warrant division could search for wanted burglars in the area. Were auto thieves following a certain route to a nearby highway? Highway units could set up a checkpoint.

Above all, as John Timoney puts it, "Compstat is the greatest accountability tool ever." It's an instrument for holding precinct commanders responsible for crime in their areas, rewarding them if they push crime down and removing them if they don't come up with plans to do so. In addition,

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it gets the whole department, top brass included, involved in thinking about how to push back crime, and it lets precinct commanders know, on a weekly basis, that their bosses support their efforts. Eventually, we used Compstat to manage everything from civilian complaints to overtime to police auto accidents.

It's not too strong a statement to say that we reinvented police strategy in 1994. Before then, the prevailing criminological wisdom held that the police couldn't do much about crime and that police strategies and tactics didn't really matter. In that spirit, the NYPD and most other police departments spent almost no time thinking about anti-crime strategies. Police brass lurched from emergency to emergency, with no one looking at the overall picture.

Strategy is a way of seeing things whole, of focusing on the entire system of crime and how it operates. Since 1994, the NYPD hasn't just been solving crimes; it has been dismantling criminal enterprises and support systems. It has been taking away the things that criminals need to function: their guns, their fences, their chop shops and auto exporters, their drug-buying and prostitution customers, their buildings and apartments, their cars, and the unpoliced sectors of the city where crime used to thrive.

In early 1994, the department developed strategies on guns, drugs, youth crime, domestic violence, and quality of life. Though much has been made of quality-of-life enforcement as key to the overall New York strategy, it was hardly the whole story. To say that "zero tolerance" policing turned New York around, as if driving away squeegee men and panhandlers could by itself cut the robbery and burglary rates, is a gross oversimplification. To succeed, we had to employ the quality-of-life strategy in concert with a range of strategies targeting felony crime.

But quality-of-life enforcement is important for three reasons. First, most neighborhoods are usually more concerned about prostitution, low-level drug dealing, excessive noise, underage drinking, and other minor offenses than major crimes.

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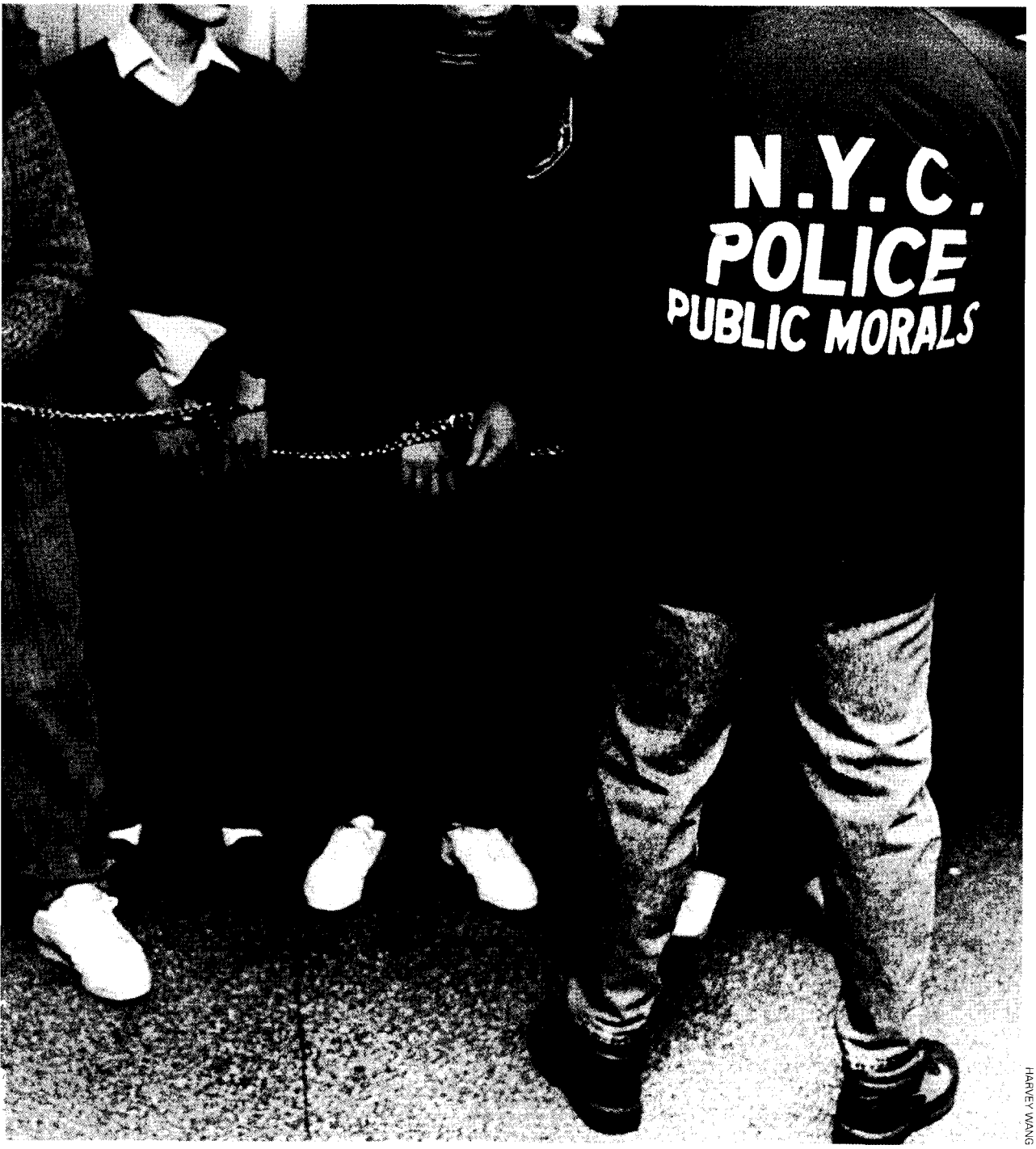

HARVEY WANG

Most neighborhoods are concerned about quality-of-life crime and want the police to control it.

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Citizens want the police to do something about these highly visible disturbances. Second, as George Kelling has persuasively argued in the pages of *City Journal*, disorderly environments breed both crime and fear. Third, criminals who commit serious crimes frequently commit minor violations as well; quality-of-life enforcement lets cops intervene with this population and sometimes prevent serious crimes before they happen.

In 1994, we took quality-of-life enforcement to the streets. Author Bratton had pioneered this style of policing in Boston in the 1970s. He imported it to New York when he became chief of the Transit Police in 1990, and it had transformed the subway from a place where young thugs thought they could get away with anything into a place where they felt they could get away with nothing, with a steep drop in crime as a result. So, too, with the city as a whole: as Kelling has observed, New York City had "depoliced" its streets in the quarter-century prior to 1994. Police officers were walking by disorderly conditions and letting them fester. They were openly giving freedom of the streets to the drug dealers, the gangs, the prostitutes, the drinkers, and the radio blasters. A sense of fear and anarchy pervaded many neighborhoods. The traditional order-keeping forces, the responsible adults in these communities, played less of a role as their own fear and uncertainty grew. They—along with the wrongdoers—had gotten the message that even the cops didn't care, and they were understandably hesitant to put themselves on the line.

The newly empowered precinct commanders targeted prostitution, public drinking and underage drinking, street drug dealing, and excessive noise. They instructed patrol officers to intervene in street disorder and to try to restore a sense of civility and safety to neighborhoods. "We had always been telling the cops what *not* to do in street situations," says Michael Julian, formerly chief of personnel and now a private security executive. "They needed training in what they *could* do."

As part of the quality-of-life initiative, the police checked identification of people stopped for minor offenses. When the checks turned up a wanted person, a parole violator, or a repeat offender, cops arrested and searched him, instead of letting him off with a relatively toothless desk-appearance ticket, as is usual with minor offenders.

This intensified police presence had an almost immediate impact on illegal guns. We flooded shooting hot spots, identified through the Compstat maps, with both uniformed and plainclothes enforcement teams. People carrying illegal guns quickly realized that they risked gun charges after being arrested for minor crimes. After rising briefly in 1994, gun apprehensions then began to fall; the gunslingers were leaving their weapons at home. With far fewer guns on the street, far fewer people were shot and far fewer were killed. In month-to-month comparisons from 1993 to 1994, homicide was down 32 percent in September 1994, 46 percent in October, 28 percent in November, and 34 percent in December.

At the same time, we brought the department's detectives more forcefully into play. We told them to make shootings a priority and to investigate every one as if it were a murder. "There was no good reason why the detective response to a killing was always so much greater than to a shooting," says John Timoney. "An aggravated-assault victim is just a lucky homicide victim whose assailant missed." To keep on top of the issue, Jack Maple had the operations center beep him every time a shooting occurred. In 1994, he got beeped nearly 4,500 times, day and night.

We enlisted detectives in an anti-gun offensive, instructing them to grill anyone arrested in a shooting or on gun charges about how and where he had acquired his weapon. The murderer who fired on Jewish students in a van on the approach ramp to the Brooklyn Bridge, killing one boy, was in custody within a few days; within a week, so was the gun dealer from whom he had purchased his weapon. By the end of 1994, the NYPD had arrested more than 200 gun dealers and confiscated their supply of weapons. Between 1993 and the end of 1995, handgun homicides declined by 40 percent, and shootings declined by more than 2,000 cases.

We fed information about gun trafficking from the precinct interrogations to the NYPD's joint task force with the federal Bureau of Alcohol, Tobacco, and Firearms, which in turn used this intelligence

The cop in the field is one of the real decision makers in day-to-day police work.

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to make arrests for illegal gun trafficking in the main states that supply weapons to New York City. The task force also began closely scrutinizing applicants for federal firearms-dealing licenses, in the belief that some dealers would use the right to buy guns in quantity to sell them illegally to unlicensed New Yorkers. In the first years of the program, 92 percent of applicants for new licenses and for license renewals either failed to win approval or—once they knew the police were watching them—withdrew their applications.

Precinct detective squads adopted a new intelligence-gathering strategy. They began to question all arrestees not only about crimes that they might have committed themselves but also about any other crimes that they knew anything about. Detectives asked arrestees about open homicides, about robbery and burglary patterns, and about where drugs or firearms were for sale. Some talked in return for a promise of more lenient treatment, but many were willing to talk gratis, swelling the NYPD's supply of criminal intelligence and case leads. A car thief turned in a fence, who turned in a father-and-son gun-dealing team. A gun-crime debriefing in the 46th Precinct in the Bronx led to several arrests in a year-old murder case and to arrests for a recent stabbing and a carjacking in the neighboring 43rd Precinct.

Detectives began using the department's improved intelligence to identify robbery patterns more quickly and to apprehend the robbers on the second or third crime of the pattern rather than the ninth or tenth. Identifying a pattern early, staking out the locale, and catching the guy can prevent 20, 30, or even 50 robberies a year. We also told detectives to pursue *all* accomplices in any robbery, instead of playing the old detective game of building clearance rates by closing cases with just one arrest. Our goal was preventing crime, not closing cases. Robbery fell by more than 26,000 incidents, or 31 percent, in 1994 and 1995. By 1998, it was down 55 percent from its 1993 level.

The Detective Bureau also placed a new emphasis on warrants and on finding wanted fugitives, since warrant absconders who fail to show up for their court appearances are frequently recidivists who will continue to commit crimes for as long as they are free. We expanded the warrant division and doubled warrant apprehensions between 1993 and 1995. Detective Bureau arrests of all kinds, including warrant apprehensions, are up about 138 percent since 1993.

To control burglaries and thefts of car radios, we went after fences who traffic in stolen goods, another thing that the NYPD had never bothered to do. Early on, police used sting operations to nail two major fences in Brooklyn, recovering enough stolen merchandise to fill a warehouse. Eventually, the fences helped identify a who's who of Brooklyn burglars; one fence even had security videotape showing many of the burglars' faces. Even when it doesn't lead directly to mass burglary arrests, as this operation did, shutting down local fences can have a dramatic impact on neighborhood burglary rates. It may take burglars a while to find another outlet for their stolen goods, and they can't go back to work until they can move the hot merchandise. Burglary was down 25,000 incidents in 1994 and 1995, or 25 percent. By 1998, it was down 53 percent.

When we arrived, New York City, and especially the borough of Queens, looked like the car-theft capital of the world, with more than 112,000 cars, worth about $400 million, stolen in 1993. Organized-crime groups stole an estimated 70 percent of them, for parts and for export. Using the same logic that we had applied to burglary, we went after chop shops and auto exporters. In 1995, we set up more than 30 phony fencing operations to catch car thieves, and we conducted more than 60 operations in which undercover officers offered supposedly stolen parts to dealers. We also used stings to make cases against exporters of stolen cars to Russia, the Dominican Republic, Saudi Arabia, Nigeria, and Colombia. We requested district attorneys in Queens and Brooklyn to prosecute auto thieves routinely and send them to jail. Car theft plummeted by more than 40,000 cases in 1994 and 1995, or 36 percent. By 1998, it was down 61 percent.

We knew, as Michael Julian puts it, that "drugs were causing probably half of the crime and a lot of the fights and gunplay." There was no way to

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reduce crime without going after narcotics. But the department had long been combating drugs in the wrong way, arresting street dealers and seizing drugs—commodities that were expendable, and almost infinitely renewable, as far the drug gangs were concerned. We believed that we had to concentrate on the local drug gangs and dismantle them. These are the critical middlemen between the street dealers and the international drug importers.

Narcotics Division commander Pat Harnett developed a new strategy in 1995 and 1996: he established turf-based drug units that would concentrate on reclaiming individual neighborhoods, investigating and dismantling the drug gangs operating in an area, however long it took. They made drug buys, infiltrated organizations, cultivated informants, planted wiretaps, investigated bank accounts, and built solid cases against all the participants in a gang or group of gangs. When a case was ready, they would roll up 20 or 30 members of a gang in a single day. The department supplemented these investigations with civil actions and eviction proceedings against drug dealers' buildings and apartments. It also sent out uniformed patrolmen in force, to hold the gains and discourage drug buyers from reentering the neighborhood. Everywhere the drug initiatives have gone, they have driven down murders, shootings, and street crime.

All these strategies—and a host of other ones targeting youth crime or family violence, for example, or using civil lawsuits to hamstring criminal enterprises—send one clear message to the criminal population of New York: "It's not your street," as one cop put it. "This street belongs to the people of New York. We are going to take it back."

Many criminologists, as you'd expect, are sticking to their guns and insisting that nothing we have done had the slightest effect on New York's crime drop. Crime fell not just in New York but nationwide, they say, proving that some impersonal force much bigger than the NYPD has come to bear on all of urban America. In truth, however, in 1994 and 1995, the drop in New York crime accounted for *more than half* of the crime decline in the entire country: we weren't *part* of the national trend; we *drove* the trend.

But what reasons do the experts proffer to explain the drop in crime? The crime-prone youth population shrank, they argue, and employment expanded. In New York, however, the teenage population was stable in the early 1990s, not declining, and the minority teenage population was actually on the rise. Between 1990 and 1994, New York City public high school enrollments were up 12 percent. Throughout the period of steep crime decline, moreover, New York had an unemployment rate of between 8 and 10 percent, just about double the national rate. According to the demographic and economic theories, crime should have been raging out of control instead of falling off the charts.

"In 1994 and 1995, the drop in New York crime accounted for *more than half* of the crime decline in the entire country."

"The experts will never forgive Bratton and Giuliani for proving them wrong," says Tom Repetto of the Citizens' Crime Commission. "They want to believe that crime can only be reduced by sweeping social change. But they do have a fallback position: if the police *did* reduce crime, they did it by illegitimate means."

The claim of "illegitimate means" is growing more insistent, accompanied by accusations that the NYPD routinely uses unconstitutional searches and "Gestapo tactics." Policing in New York, critics charge, has been "militarized," as if SWAT teams were roving around the city on search-and-destroy missions. The tragic shooting of Amadou Diallo in February and the outrageous abuse of Abner Louima in 1997 have fanned this talk significantly. Many who claim to speak for minority communities say that they now fear the police more than they fear the criminals.

The fear may be understandable, but the problem has been overdrawn. The NYPD is not a racist or brutal department. It won its gains against crime

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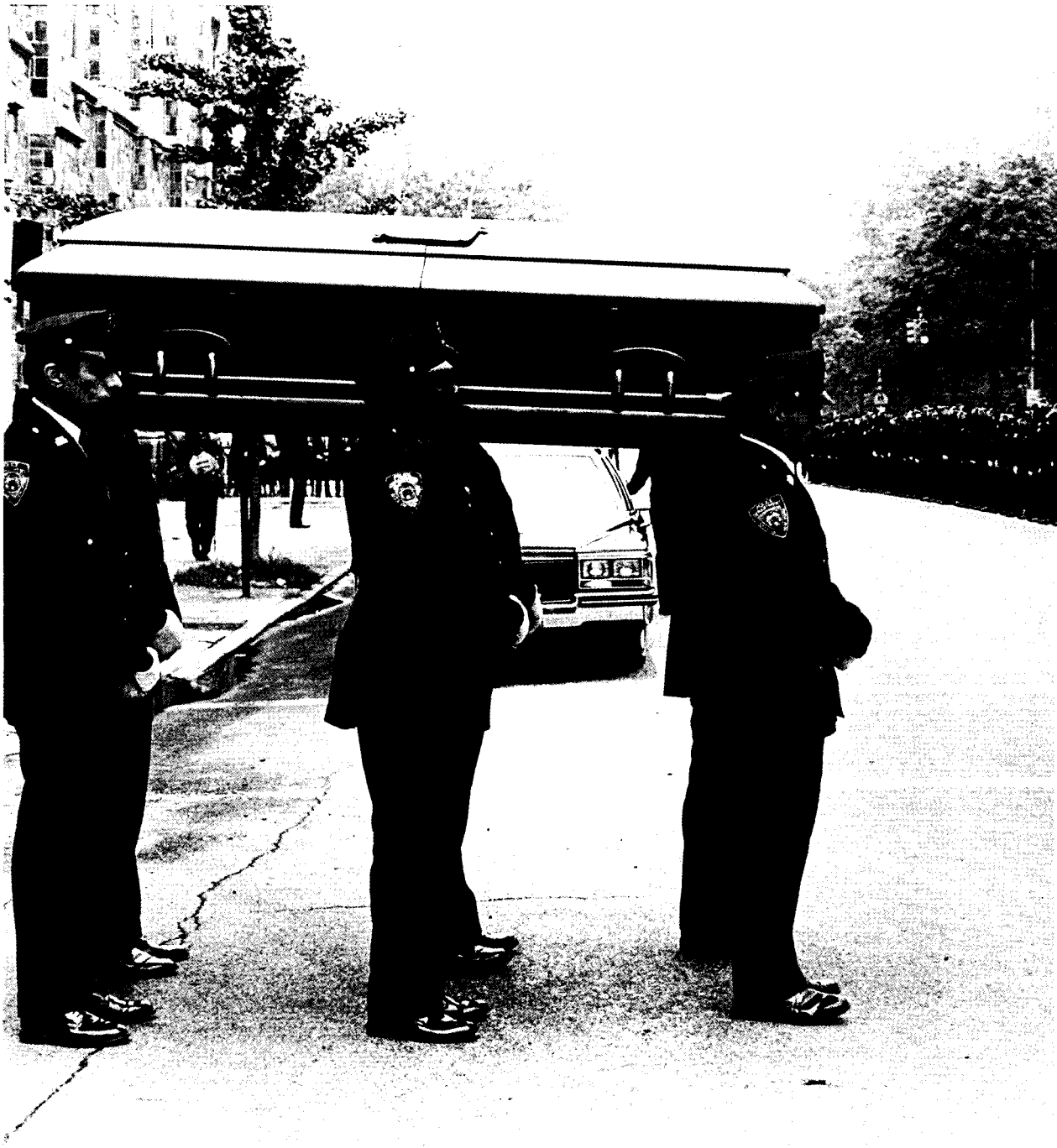

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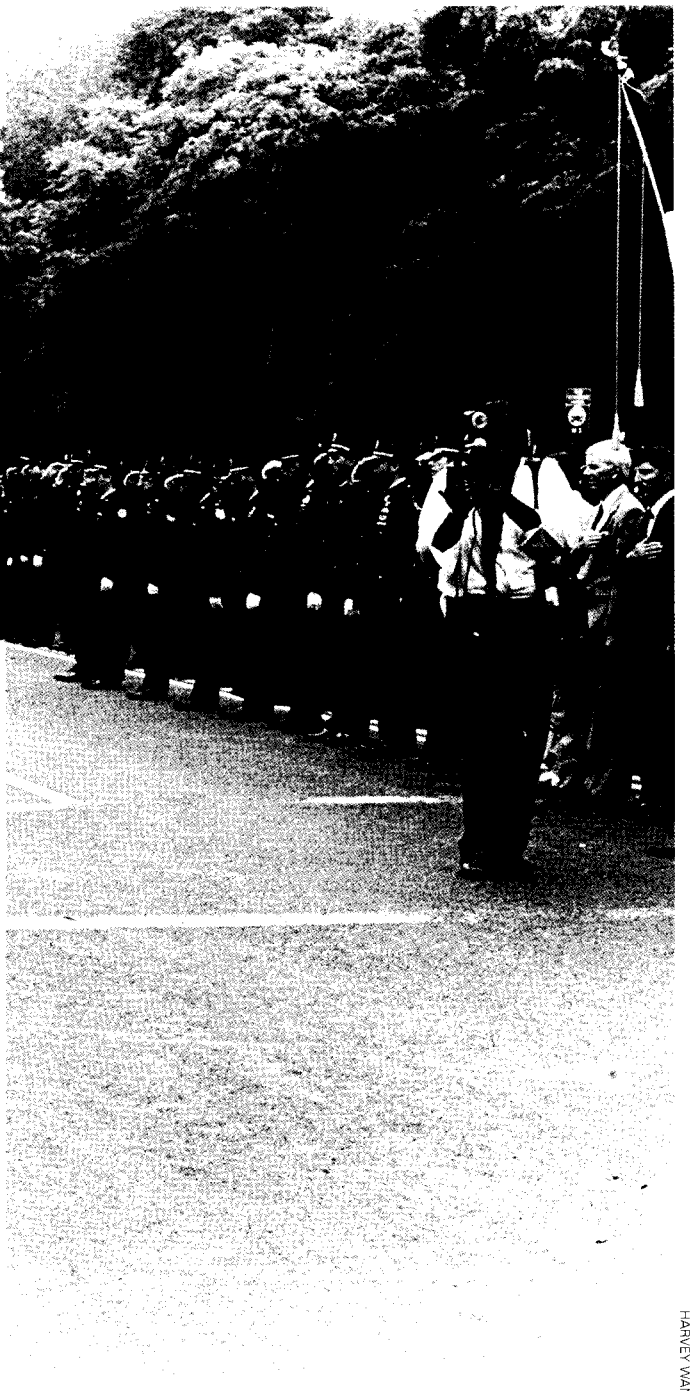

HARVEY WANG

Policing is not a job like any other.

not by abusing citizens but by strategically managing and focusing its resources. Its problem is a problem of attitude: cops need to be more respectful in their encounters with the public. With crime under control, we have the breathing space to provide much better training in the human side of policing and to build trusting relationships in every neighborhood in the city. The NYPD rose to the challenge of crime in the mid-1990s; it certainly can rise to this challenge now.

Though the department can do much more to win the confidence of minority communities, it has already done the most important thing: today, those communities receive the level of police protection and service they deserve. They aren't written off as unimportant and unpoliceable. The Compstat revolution had the effect of allocating resources to the neighborhoods that needed the help most. "All the dots representing crime on Compstat maps are the same size, whether the victim is Leonardo DiCaprio or Fred Mertz," says Jack Maple. "The resources go where the problems are." As a result, minority neighborhoods like East New York and Washington Heights have seen huge crime drops. Kids can play on the street again; they don't go to bed to the sound of gunfire anymore.

What we learned above all from the New York experience is that police can control and manage virtually every type of crime in virtually every neighborhood. No place is unpoliceable; no crime is immune to better enforcement efforts. Though underachieving in the past, American police departments can take the lead in restoring safety and order to communities all over the country. After a generation of police executives who were convinced that cops couldn't cut crime, a new group of leaders is following the New York example and sending the message that police can make a difference. These leaders are junking the old reactive model, in which police responded to crimes and filed reports, in favor of a new strategic policing that gets criminals on the run and keeps them running. American police departments are beginning to live up to the boast posted by an anonymous officer in the NYPD Command Center in 1995: "We're not report takers," it read. "We're the police." ■

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Crime & Punishment:

Why the Jails Didn't Explode

How inspired management brought New York City's jails back from the brink of anarchy to order and safety.

Paul E. O'Connell and Frank Straub

Five years ago, Gotham's jails looked like they were ready to explode with violence. At Rikers Island—the democratic world's largest penal complex, with ten facilities sprawling across 490 acres of concrete and razor ribbon—"a full-scale riot [was] . . . only one dis, one argument, one short-tempered outburst away," as *New York* magazine then put it. And then, as Mayor Giuliani got tough on crime, even more prisoners crowded into the already-packed jails; the 110,410 inmates who went through the system in 1994 increased 20 percent, to 133,000 today. But even with combustible prisoners jammed in ever more tightly, the Attica-like conflagration never ignited. On the contrary, the threat dissipated, violence plummeted to negligible levels, the jails became clean, quiet, and orderly. How that happened is an unsung triumph of institutional leadership and organizational reform, well worth studying and emulating.

Once you've seen the orderliness of today's facilities, it's hard to imagine the mayhem that prevailed only a few years ago. A particularly bloody two-month period in the summer of 1994 captures the flavor: Rikers Island, with its seething population of 16,000 prisoners, chalked up 176 slashings

NEW YORK DEPARTMENT OF CORRECTION (4)

Now on call 24 hours a day, the DOC's Emergency Services Unit lines up for one of its frequent jail searches.

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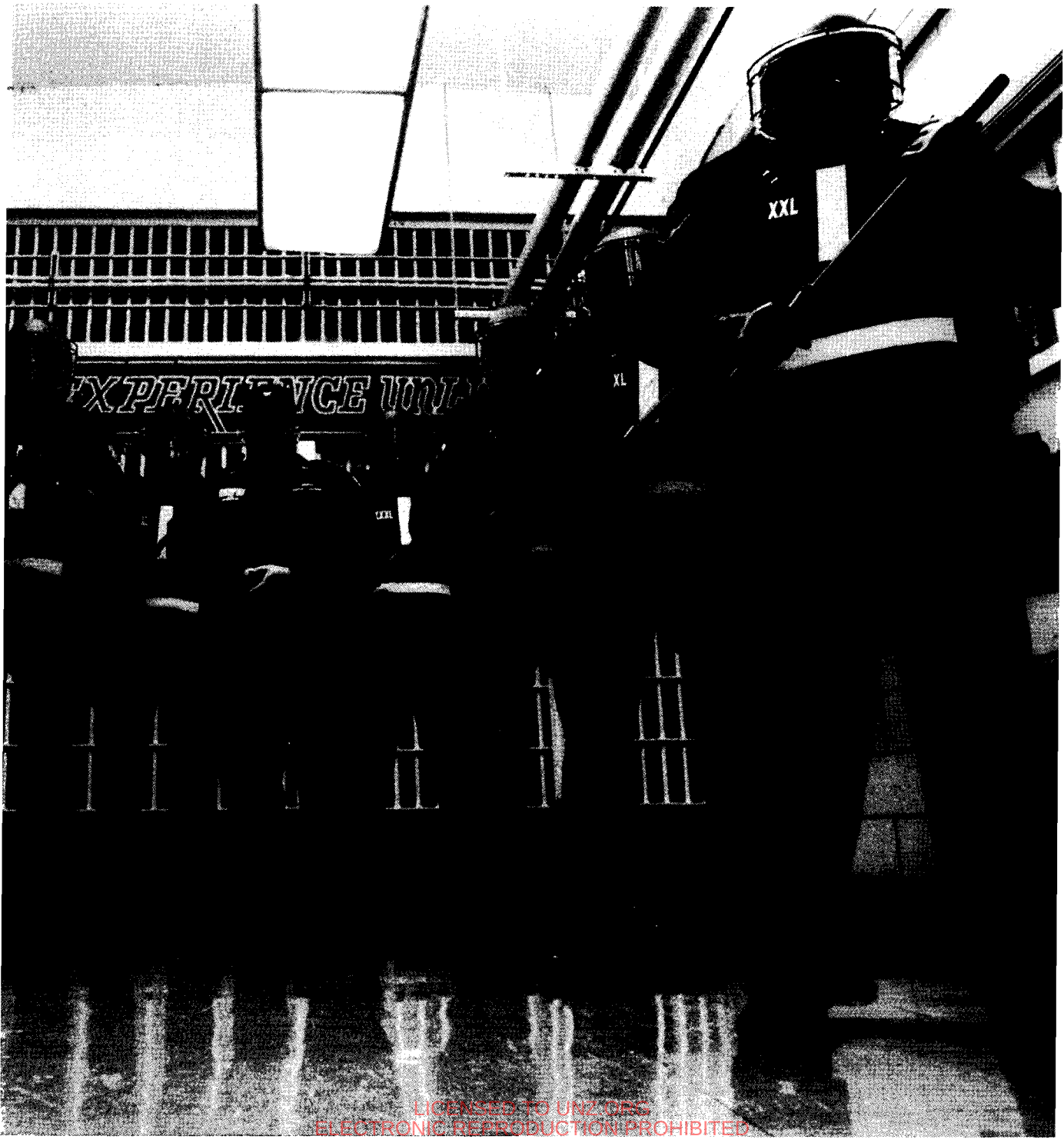

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or stabbings—one for every 90 inmates—usually carried out with smuggled razors or makeshift shivs. In those days, the system as a whole averaged more than 1,000 violent acts yearly.

The assailants typically were gang members, whom authorities allowed to advertise their affiliation with color-coded beads—black and white for the Nietas; black and yellow for the Latin Kings—or such other gang paraphernalia as red "do-rags" for the Bloods. Gang members proudly marked out their turf with signature graffiti "tags" on the jail walls, and they flaunted their criminal conduct, from extortion to drug running, within the jail itself. Rikers had become a hoodlum counter-city within the city, where gang rivalry raged anarchically, to the ceaseless din of transistor radios.

> **"In jail, even major crimes went unpunished, and illegality and chaos reigned, sending exactly the wrong message and emboldening criminals."**

Even jail employees were in danger. Some years ago, Jorge Ocasio, then a young captain and now deputy warden in command at Rikers, had transferred a dangerous inmate from one section of the jail to another, to the inmate's displeasure. "Back then," Ocasio says, "inmates had no regard for staff and would challenge us to fight and threaten us, as this prisoner did to me." In due course, the disgruntled inmate staged a fight between two jail mates as a distraction while Ocasio did his rounds. As Ocasio struggled to separate them, the inmate jumped him, stabbed him in the back twice with a nail, and brained him with a telephone. Ocasio missed six weeks of work.

The sequel, though, was worse. Consistent with jail policy of punishing inmate wrongdoing—if at all—with loss of privileges rather than with criminal prosecution, the assailant wasn't charged. "Had he attacked a cop on the street, he would have been prosecuted for attempted murder and probably served 25 years," Ocasio ruminates. "So who was running the jail?" he asks. Here was a powerful message for inmates and staff: once you set foot in New York's jails, civilized laws no longer applied.

No wonder that Department of Correction employees hated their jobs. Recalls Emmanuel Bailey, a 14-year DOC veteran and now assistant deputy warden: "It was rare you would have a quiet day. Seeing that kind of gore every day was depressing. These guys always cut each other on the face, to leave a 'telephone' on someone—a life mark." Another veteran, Anthony Serra, commanding officer of both the department's Emergency Services Unit and its special gang unit, agrees. "Imagine coming to work every day and knowing that you're going to have to deal with some kind of violence," he says grimly. "Morally and physically, that starts to grind you down."

The menacing atmosphere took its toll on job performance. Correction officers routinely worked overtime, whether they wanted to or not, to fill posts left vacant by fellow officers who used sick time to avoid coming to work they feared and disliked. DOC staff averaged 21 sick days a year, the highest absentee rate of any city agency. "Sometimes," Serra recalls, "you'd have to do four straight 16-hour days—it was an unhealthy, unsafe environment with a lot of stress." Budget cuts reduced correction officers from 10,700 in 1992 to 9,800 in 1994, worsening the problem. In a sad but predictable irony, overtime costs spun out of control—$2.2 million a week during the first three months of 1994 alone—rendering the cuts futile.

The disorder at Rikers Island and throughout the city's jails—one warden called it "a system of organized chaos"—went against everything Mayor Giuliani was trying to do to slash Gotham's crime rate and restore the city's quality of life. If the mayor had an overriding message, it was that tolerating even minor transgressions, such as public drunkenness or aggressive panhandling, rapidly leads to more serious crimes, as potential lawbreakers realize that the authorities are no longer in charge. Yet here, at the very heart of the city's

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Violent acts, many committed with makeshift knives like these, fell from over 1,000 a year to 229 last year.

criminal justice system—teeming with precisely the bad guys who most urgently need to learn that the authorities won't tolerate disorder and crime—even major crimes went unpunished, and illegality and chaos reigned, sending exactly the wrong message and emboldening criminals. City jails—jails, incidentally, are short-term county or municipal detention facilities in which the average stay is less than a year—fanned the crime problem in another way, too, since incarcerated gang leaders freely enlisted new recruits, who would return to crime on the streets strengthened by now belonging to a gang organization.

Seeing that the DOC was a mess, in January 1995 Mayor Giuliani appointed the cerebral Michael Jacobson, a former commissioner of probation with a Ph.D. in sociology, as acting DOC commissioner, promoting him to commissioner in

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March 1996. He also named the vivid, take-charge Bernard Kerik, formerly a Passaic county jail warden and New York City narcotics detective, as well as a military security specialist and martial arts expert, as first deputy commissioner, elevating him to commissioner in late 1997, when Jacobson returned to academe. Giuliani gave them a clear mandate: stop the violence and take back the jails.

They did exactly that. Under their regime, inmate violence fell 90 percent in four years. Only 229 violent incidents occurred during the last fiscal year, and just 54 during the first six months of fiscal 1999, even though the number of inmates passing through the DOC continues to rise. Morale has shot up. Overtime costs have shrunk by half, and sick leave is down 25 percent as employee enthusiasm strengthens.

"'Shit happens'—that was their attitude," Kerik contemptuously recalls. "I said: 'You make $120,000 for *what*? What do you *do*?'"

How did Jacobson and Kerik bring about this seemingly miraculous transformation? They began by tightening up DOC's absurdly lax management culture, a change that Kerik orchestrated. On his first day on the job, he gathered all the wardens and chiefs on Rikers Island and asked each one: "What's your inmate count?" Some didn't know, and Kerik blew up. At the end of the day, he called them back and asked them again. A few *still* didn't know. Incensed, Kerik docked them a day's pay, sending a crystal-clear message: get with the program or suffer the consequences.

"Early on," Kerik notes, "I established a very simple rule: produce and work, and I'll support you, you'll have your job, you'll have your career; do not produce, do not work, and you'll have to go." Using attrition and demotion—upper-level DOC positions are commissioner appointments, unprotected by civil-service safeguards—Kerik determinedly seized control of his own organization.

He had his work cut out for him. In the old days, sartorially resplendent wardens left the real work to their staff. As deputy warden Ocasio sarcastically put it, "The warden was like a king: he just sat in his office while everybody else worked." Kerik is more scathing: "Five years ago, the wardens had no idea who were in their jails; they weren't managing at all."

Nor did they take responsibility for anything that occurred in the jails. " 'Shit happens'—that was their attitude," Kerik contemptuously recalls. "I said: 'You make $120,000 for *what*? What do you *do*?' " Things changed in a hurry. "Today, I'd put my managers up against any managers in New York City, and I'll bet you my people know more about their jobs," Kerik confidently asserts. Now wardens are accountable for all phases of their facilities' operations, and Kerik encourages them to talk regularly with subordinates, collect information, and identify and correct problems before they get out of hand. Ocasio captures the new spirit: "If there's an incident at 3 PM in my jail, and you call me at 8 PM, I'll explain to you what happened."

Kerik himself exemplifies the attitude he demands from his staff. Veteran correction officer Serra notes that "Kerik is the kind of person who'll pull up on Rikers and notice a light bulb burnt out on a lamp, or a patch on a department vehicle with the old logo on it—he's in tune." Thomas Antenen, the agency's deputy commissioner of public relations, praises his boss in the same terms: "He'll show up at Rikers unannounced at 11 PM, and if he sees a dirty floor, someone's going to have a problem. Accountability with a capital A," says Antenen —"that's what he's all about."

Kerik found the key to establishing accountability in the New York Police Department's now famous Compstat meetings, which use crime and arrest statistics to plan and evaluate crime-reduction efforts, to figure out what might be going wrong, to deploy resources effectively, and to make everyone in the organization answerable for how he does his job (see "What We've Learned About

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Policing" on page 14). In late 1995, Kerik persuaded Jacobson to set up a version of Compstat on Rikers Island. The DOC uses its version—called Teams, for Total Efficiency Accountability Management System—to survey every aspect of the department's work. In former commissioner Jacobson's words, "the Teams meetings keep everyone focused on the data and on performance."

Here's how Teams works. Every month, Deputy Commissioner Deborah Kurtz, Captain Frank Ciaccio, and their staff put together a report of 90 or so significant "performance indicators"—the number is expanding all the time. Of course, jail security is pivotal. Each month, Kurtz and company look at the number of inmate acts of violence, the number of times the staff used force or sprayed mace, the number of searches and arrests of inmates. But they also track inmate library use, attendance at religious services, and use of health care services to make sure these services are running efficiently. They watch overtime spending and sick leave, jail cleanliness, and an array of other indicators, always seeking to expand the DOC's institutional knowledge.

Jailhouse assailants like to leave scars.

The statistical report forms the basis for the monthly Teams meetings on Rikers Island. About 100 people attend these highly charged sessions, which the commissioner runs from a dais, flanked by his deputy commissioners and uniformed chiefs on either side of the room. Four jails make presentations each month from a central podium, as large video screens display each facility's statistics overhead. Commissioner Kerik will ask a warden: "Who is your top Latin King, and where is he?" The warden had better know the answer, since the commissioner will check on the spot. Kerik might quiz the warden about the number of Bloods under his jurisdiction, or why his cells have graffiti on them, or what he's doing to minimize overtime costs. Nobody is confused about what the commissioner wants and expects.

Prior to Teams, each of New York City's 16 jails, 4 hospital prison wards, and 15 court holding facilities operated largely as a separate entity, and intra-agency communication was minimal. Today, Teams quickly disseminates whatever one jail learns throughout the system. As Serra nicely puts it: "Teams opens everyone's eyes—from all the facilities—to see if they're having similar problems; if something works, everybody gets enlightened." A Teams meeting we visited focused on several scalpels seized from inmates on Rikers Island. The Teams session figured out where and how inmates had acquired the scalpels and devised new department-wide inventory control measures to prevent it from happening again.

Teams also has helped Kerik spot talent and reward it. The recently appointed chief of operations, William Fraser, a 21-year veteran whose career had stalled out, is a perfect example: in 18 months after Kerik's arrival, he scaled the ranks from warden to the highest uniformed position in the department. As warden, he found a way of combating extortion. Plunderers chronically bullied weaker inmates into surrendering their commissary purchases (usually cigarettes), which the extortionist could then use to buy favors, like extra phone calls, from other inmates. Fraser launched early-morning cell searches; if he found that an inmate had more cigarette packs than commissary records said he should, he seized the extras. After a while, the bullies got the message and stopped extorting. Kerik, deeply impressed at a Teams meeting with Fraser's initiative, instituted the pre-dawn searches throughout the system—and promoted Fraser. Says Fraser: "This man has made all the difference. He certainly revitalized my career."

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Jacobson and Kerik's first and biggest job was to carry out their original mandate from Mayor Giuliani: to control inmate violence and criminality. "Violence had to be reduced and a safe and secure work and living environment created," says Kerik, "before any other operational issues could be addressed."

With that aim in mind, Kerik quickly made sure that Gotham's jails were clean and brightly lit, since he intuited that dark, grungy jails proclaimed that nobody cared, encouraging inmates to act up. "In the old days, graffiti was all over everything, and the floor looked like you were growing penicillin on it," recalls assistant deputy warden Bailey. Today, says Bailey, it's another world: "No more 'Nietas Rule!' everywhere: this place is immaculate." Chief of operations Fraser is equally enthusiastic: "I challenge you to find a hospital as clean as our oldest building here, the North Infirmary, which was built in 1933." New lighting and new fans keep halls bright and air circulating. Floors are high-buffed. The tidy look bespeaks professionalism and order, proclaiming that someone is in charge.

"You touch an officer, we will prosecute you. You cut someone, we'll prosecute you. You burn something, we'll prosecute you."

As part of his effort to cut violence, Kerik early on established a red I.D. card system to brand, as with a scarlet letter, inmates caught in the jail with weapons. As one correction officer described it: "The I.D.s tell everybody—the inmates, the officers, the civilians—that you're a potential threat." Since correction officers search red I.D. bearers far more frequently than they search other inmates, the system serves as a strong deterrent to smuggled and makeshift weapons.

Early on, too, Kerik spied a significant weakness in controlling jail crime and violence. The department's emergency services division—which tackles unusual and dangerous situations, from mass transfers of prisoners to riots—employed only 18 people, none of whom worked nights or weekends. "What happens if a housing area acts up at 9 PM or on a Sunday and needs physical support?" the commissioner asked. Kerik went to the mayor for additional resources, and now the Emergency Services Unit has 150 permanent members and a team available 24 hours a day, every day. It doesn't just react to emergencies but also does random searches in the jails. At Jacobson's prompting, the mayor restored all agency staffing to pre-budget-cut levels: 10,700 correction officers and 2,300 civilian employees. The agency's 1998 budget totaled $792 million.

Arrests are a powerful new weapon in the DOC's campaign against crime and violence in the jails. Though this may seem an obvious technique, remember that before Jacobson and Kerik arrived in 1995, inmates who committed crimes in jail, even violent assaults, at most might have privileges suspended (no more going to the commissary for cigarettes) or might be transferred to a disciplinary unit. Unless they killed someone, real punishment was rare. You expect savage behavior in a jail, former DOC officials rationalized, so why waste dollars going after guys already behind bars? It was bad enough that this laxity let anarchy rage in the jails. But equally important, if lawful order doesn't exist where the criminal justice system supposedly has most authority, what does that say about order in society at large? As Emmanuel Bailey stresses, "These guys were violating jail rules, but more importantly they were violating *society's* rules." An inmate was likely to leave correction emboldened, not chastened.

Kerik and then-chief of department Eric Taylor put a brusque halt to tolerating inmate crime. "The only reason inmates were expected to act violently in the past is that we let them do it," the commissioner says. Now, the DOC prosecutes inmate crimes within the jails as vigorously as if they had been committed outside.

Now technology allows correction officers to search for weapons hidden in body cavities.

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Raymond Rojas's case is typical of hundreds of similar department prosecutions. Rojas entered Rikers in August 1997 on weapons charges. In February 1998, awaiting the outcome of his case, Rojas set his mattress on fire, creating a smoke hazard and causing serious burns to the two officers who snuffed out the blaze. Two weeks later, Rojas received a one-year sentence on his weapons case, most of which he had now served. In times past, Rojas soon would be back on the streets, his arson shrugged off as understandable misbehavior in anarchic Rikers. No more: the DOC arrested, prosecuted, and convicted Rojas for torching his mattress, and he received a multiple-year prison sentence.

Bailey enunciates the new regime's bottom line: "You touch an officer, we will prosecute you. You cut someone, we'll prosecute you. You burn something, we'll prosecute you. It's that simple." Arrests have skyrocketed from a half-dozen or so a month to over 100. According to correction personnel, the word is out among the inmates: "They know that they no longer run anything in here," an officer proudly asserts.

"There's no reason, Kerik thought, that the DOC shouldn't be the premier gang-tracking database for the East Coast."

Most arrests within Gotham's jail system are the responsibility of the Gang Intelligence Unit, perhaps the most successful of all of Jacobson and Kerik's Teams-forged reforms. Formed three years ago, the 36-member "Gang Intel," as correction officials call it, has become the troublemaking inmate's nemesis. "When inmates commit a criminal act," says Gang Intel's commanding officer, Anthony Serra, referring to the elite unit's trademark jackets, "they know that a short time later the guys in the windbreakers will come running."

Gang Intel's sole task is to investigate and crack down on gangs in New York's jails. It's a big responsibility, because gang members—some 12 percent of the department's inmates—have been responsible for a disproportionate amount of jail violence. Using a sophisticated computer "super base," Gang Intel tracks 55 different "serious risk groups" in city jails and maintains a database on some 12,000 gang members who've passed through DOC. The four most widely represented gangs are the formerly L.A.-based Bloods (600 in jail today), the Latin Kings (358), the Nietas (288), and the quasi-Muslim Five Percenters (114). But from the Aryan Nation to the Zulu Nation, Gang Intel keeps an eye on a wide assortment of other unsavory groups.

Shortly after Jacobson and Kerik arrived, the DOC obtained a court order allowing it to ban all gang paraphernalia, making it harder for members to identify one another. But it's not easy for correction officers to pick out gang members, either—especially since the department scatters them throughout the jails, to diminish gang strength. Gang Intel has accordingly established a database for gang tattoos. Assistant deputy warden Bailey, the executive officer of Gang Intel, says the tattoos are crucial: "We look constantly for body markings. We make these guys undress; we take photos. The gang members can't wear their beads anymore, so tattoos help mark out what group they belong to, and I make sure all my men can recognize them." NYPD gang intelligence regularly briefs Gang Intel, too, and police officers routinely ask arrestees if they belong to gangs. Most important, Bailey says, Gang Intel encourages gang members to come forward with information: "When the inmate cuts ties with the outside world, he often wants to tell, and I'll help him tell the DA, the FBI, overseas—anywhere."

Gang Intel's information-sharing relationship with New York City cops—and with the FBI, the DEA, with police and fire departments across the country, even with an agency associated with Interpol—is another new departure. It was Kerik's brainchild. "There's no reason, I thought, that the DOC shouldn't be the premier gang-tracking data-

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base for the East Coast of the United States," he says. "We know who they are, just as we know their associates, their customs, their secret identities, their hand signals. We have more access to gangs than anybody."

The inter-agency cooperation has developed into an extremely effective gang-fighting tool. In an as yet unconcluded case, the Latin Kings had reorganized on Rikers Island, creating the "Inner-Island Council." The council appointed a leader for each of the ten jails on Rikers. Gang Intel began to monitor the leaders closely and came across information that helped identify the entire gang leadership in New York City. Operation Crown—a joint effort with the FBI—led to the arrest of more than 100 members of the Latin Kings hierarchy in the city's five boroughs. "We dismantled the Latin King Nation, and they're still having a hard time restructuring," declares deputy commissioner Antenen. Gang Intel, by deciphering secret gang street codes, also played a focal role in a joint New York–North Carolina case that busted the ruthless North Carolina gang Sex, Money, and Murder, Inc. In Gotham, the unit led to RICO indictments against the Bloods. Three years ago, Gang Intel didn't exist; now it is, in the words of one cop, "the Harvard University of hoodlum information."

Gang Intel's participation in these joint efforts has hugely boosted DOC pride. By conducting criminal investigations and making arrests, correction officers make clear that correction is no longer the dead end of the criminal justice system. "Commissioner Kerik has put a new twist on being a correction officer," asserts Bailey. "We're *peace officers*, and we're not second class to *anyone* now. I had an officer go to Florida recently to follow up on a lead—our people never thought they would be working on this level." Serra calls Gang Intel "the diamond of the department." Says he: "I've had great assignments, but I've never been so excited as I am as commanding officer of Gang Intel. It's a resource with unlimited potential."

Kerik has introduced an array of state-of-the-art technology into the DOC, beyond the sophisticated computer that Teams uses. Members of the Emergency Services Unit, for example, brandish the "stun shield," which looks like gear Robocop might carry. It makes restraining out-of-control inmates much safer, for correction officers and inmates alike. Previously, it took five baton-wielding ESU officers to restrain a combative inmate. Lacerations, broken teeth, and broken bones commonly ensued. Now, when an officer pulls a trigger in back of the stun shield, a six-second burst of electricity—50,000 volts of it—gets released. If the energized shield touches a rowdy inmate, his muscles contract from the charge; when the electricity shuts off, his muscles relax, turning his limbs to jelly and immobilizing him. Serra calls it "a perfect tool—an alternative to physical force." Though it sounds painful, it's relatively harmless, and every time officers use it, a supervisor watches and videotapes roll to ensure compliance with all departmental procedures.

Another new device Kerik introduced is the "Boss Chair"—the body-orifice scanning system. Inmates often hide a razor blade in their rectum, their foreskin, or their mouth. Before, body-orifice searches were one of the more unpleasant—and sometimes violent—features of daily life in correction. With the Boss Chair, however, the prisoner sits, while a metal-detecting magnetic scanner built into the chair silently searches. If the chair's red light blinks on, the inmate remains isolated until he relinquishes the weapon. Like the stun shield, the Boss Chair makes physical force less necessary.

Other technological advances include portable fluoroscope machines to check packages and inmate cells for contraband, "tube mitts" that restrain dangerous inmates' hands, improved body armor for correction officers, and chemical agents, like mace, that make quelling disturbances less risky. Kerik carefully monitors and evaluates the effectiveness of all of the new devices during Teams sessions. Teams ensures, too, that personnel know how to use the new technology correctly.

Kerik's changes have boosted DOC employees' morale dramatically. "Most of the staff is excited by the changes," says Emmanuel Bailey, "and I'm grinning from ear to ear." Gotham's jails are changed places for inmates, too. As Bailey puts it: "It's no longer a place where you come to learn to be a better criminal. These days, you might come back a better citizen." ■

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How the Agency Saved My Father

His mother was dead; his ne'er-do-well father couldn't support him; an Agency put him into foster care at age nine. My quest to find out why and how yielded surprises—and public policy questions for today.

Howard Husock

The biggest mystery of my childhood was the question of how my father had survived his. Though the details were fuzzy, the facts seemed clear: an auto accident outside Trenton, in which his parents were seriously injured; orphaned, not long after, in South Philadelphia in the depth of the Depression, ultimately raised in foster homes . . . and yet, by 18, off by streetcar to engineering school and, after the war, to life in the middle class.

What had made it possible? The most intriguing explanation involved something he called the Agency. "Once a year," he would say, "the Agency took us to get a suit—one pair of long pants, one pair of knickers." Or: "The Agency even paid to get my teeth fixed—before antibiotics, so you had to go once a week to get the root canal drained so it wouldn't get infected." Or: "Even though it was the Depression and everyone was poor, my sister would insist on getting off the streetcar a block away from the Agency, so when we went to see the doctor no one would know we were getting charity."

In a thousand ways, the world of my father's childhood amid the row houses of South Philly—a world where fish were kept alive in the bathtub so they'd stay fresh, where teenagers enjoyed classical music, where sunflower seeds were the junk food of choice—is as gone as any European shtetl. But to me, the Agency was the most distant part of it: my own father, it appeared, had been raised without parents and without the support of public funds, under the auspices of a charitable organization. Though recent talk about how "faith-based charity" should have a role in "social-service delivery" has made my father's experience seem a little less outlandish, the mystery haunted me. I wanted to solve it, both as a personal matter and a policy one. What exactly was the Agency? How did it compare with its successors? And—here's the personal part of the query—what effects of its work have I, unknowingly, lived with myself?

My father provided the crucial clue. Once a month, he recalled, an older woman, connected with the Agency, would arrive in a chauffeur-driven black Cadillac to check on him. Her name: Mrs. Sternberger.

I found her traces a few blocks from Independence Hall, at the Balch Institute for Ethnic Studies, which houses the records of Philadelphia's myriad Jewish charities. On the founding board of directors of the Juvenile Aid Society, I discovered, was a woman named Matilda K. Sternberger. And looking through the Juvenile Aid Society's pile of typed case records, I turned up the March 2, 1934, proceedings of its Placement Committee's monthly meeting—which took up the case of Bernard Husock and his elder sister Sylvia.

It is a powerful thing to come across such a record only minutes before library closing time. It is sobering to read about one's own family as the object of intervention and help—especially when you're used to identifying with those providing the help, and even more especially when such records contain powerful revelations, as these did. I learned that my father's parents had not died at the same time; his father had outlived his mother and become a single father, responsible for two young children, aged five and ten, in the early years of the Depression. I learned that in June 1932, three years before the Social Security Act became law, at a time when state and local governments provided only short-term emergency relief, my grandfather had first

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COURTESY OF DIANE SHERMAN

My father, Bernard, at his bar mitzvah in South Philadelphia in 1937

turned to private charity for support So my father and his sister were not, as I had believed, simple examples of orphans cared for by charity Their situation was more like that so common today a single-parent family in search of help, a family for which outsiders were deciding whether help was

Juvenile Aid Society had been making such decisions for more than 20 years. It grew out of the Young Women's Union, which was part of a movement, beginning in the 1880s, in which (as Philadelphia's *Jewish Exponent* later wrote) "the noxious tenements of South Philadelphia were invaded by an unlikely little army of well-bred, carefully nurtured Jewish young ladies from the safely upper-middle-class environs of Spring Garden Street." Led by banking heiress Bella Loeb Selig, the union began to move from children's recreation and nursery programs to an effort its members called "baby snatching"—by which they meant persuading the Juvenile Court (founded in 1901) to release children in trouble into their custody. To handle these kids, the union gave birth to the Juvenile Aid Society in 1911.

By 1932, it was a big organization, paying for the care of 350 children in any given week (rising to 450 in the high-immigration early 1920s) with an annual budget of $100,000, almost all raised from private donations. It was part of a larger system of some 80 private nonprofit and religious organizations, which cared for the vast majority of abused, abandoned, or orphaned children in Pennsylvania—many more than the 600 or so children housed in

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five state institutions at a cost of around $150,000 a year.

Through the Juvenile Aid Society, the wealthy German-Jewish women on its board expressed their sense of responsibility for the children of poor "Russian" immigrants, their generic term for eastern European Jews. So it was that women named Deutsch and Guckenheimer—members, many of them, of the city's grand Moroccan-style Reform temple, Congregation Rodeph Shalom—came to take some responsibility for children named Lazarowitz and Katz, then piling into South Philadelphia and crowding it with what ultimately would be more than 200 small, dark synagogues, squeezed in among the row houses.

These charitable women can be thought of as Jewish Victorians, combining a religious impulse with the Victorian commitment to "child saving." They were moved by the Talmudic injunction that "the blessed man is the man that brings up an orphan boy or girl until marriage has given him another home," and—fearing that the Russians would abandon Judaism as they acculturated to America—they required all children they assisted to attend religious schools, known formally as Jewish Education Centers. For them, religion was the guarantor of the bourgeois values and the self-discipline they cherished. "Moral behavior," the Agency's literature observes, "is the result of right habit and daily practice. . . . Cultivate the child's natural desires for leadership, for justice, for independence, for self-respect, for hero-worship. Morality is an inner driving force. Religion is an inner light and revelation. These cannot be forced from without. Open the windows of the soul through which the inner splendor may shine."

Their religion was a far cry from the religious-sounding goal of so much Jewish philanthropy today—the notion, drawn from the Protestant social gospel, that religion has a duty to set right the injustices of society. These women would have met with incredulity the pronouncements of today's influential "child protection" advocates, who assert (in the words of Peter Pecora, James Whittaker, and Anthony Maluccio's standard *The Child Welfare Challenge*) that "social workers must become involved in advocacy and social action, to help resolve systemic or societal problems. . . . There is ample evidence of a high correlation between entry into out-of-home care and social problems such as poverty, deprivation and racism." The Agency did not engage in advocacy at all, whether to improve housing conditions, raise wages, or even reduce anti-Semitism. It was by no means an organization akin to today's Children's Defense Fund, say—advocating social policy but not itself directly helping individual children.

"The Agency's leaders were willing to make a personal commitment, to form personal bonds with those being helped."

On the contrary, the Agency saw itself as a retail helper, so to speak, intervening with individual families, not to change the social system but to help children find a place in it. Its leaders were willing not just to support foster homes but to make a personal commitment; to sacrifice leisure (although monthly meetings did take the form of luncheons at the Locust Club, the Warwick Hotel, Snellenberger's Restaurant, or even the Rydell Country Club); to visit children themselves and assess foster families; to form personal bonds with those being helped. Their meticulous early records note the name of the child and the name of the visitor: Miss Baum visiting Rose Hymowitz on North 6th; Mrs. Loeb visiting Benjamin Chernicoff on North 15th; Mrs. Zucker visiting Meyer Bachin on North 31st. They were a small group taking on a big task: there had been 15,000 Jews in Philadelphia in 1880; by 1920, there were 200,000.

The Agency's main strategy was child "placement"—foster care—which it championed as a preferred alternative to life in orphanages. Children in bad circumstances would be taken in by loving families, fairly paid for their effort. As a 1919 Russell Sage Foundation report put it: "Child-placing in

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COURTESY OF DIANE SHERMAN

My father's mother, sister (right), and half sister (left)

families was the most important development in child welfare work during the latter half of the 19th century." But controversy over it still raged during the Agency's early years. Advocates of institutional care remained powerful and were quick to note that institutional care allowed for large-scale recreation and education programs, for cleanliness and efficiency, and for ease of inspection by those paying the bills. By contrast, wrote Superintendent R. R. Reeder of the New York Orphan Asylum at Hastings-on-Hudson in 1918, "The most secluded institution in the world is the private home. It is ten times more difficult to find out what takes place behind its closed doors than it is to probe the methods and secrets of institutions."

The Juvenile Aid Society's solution to the inevitable danger of child abuse in private homes—a problem that plagues those involved in child protection in our own era of widespread foster care—rested on the personal efforts of the Agency's own home-finding and placement committees. These volunteers, complemented by a small paid staff, personally reviewed each family history, inspected potential foster homes, and paid monthly visits to children in their care at the homes in which they'd been placed. Its home-finding committee rejected twice as many potential placement homes as it approved: it required Agency children to have their own rooms. Each board member visited 30 to 40 children each month.

Agency reports make clear that its representatives understood what a difficult task they were imposing on foster mothers—at times even recommending higher than the normal $4.50 per week board payment for the placement of difficult

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COURTESY OF ABRAHAMS FAMILY

Matilda K. Sternberger (Tillie), left, with her four sisters, including Dorothy (Dodie), right

children, presaging the "special needs" consciousness of our own time. The Agency readily increased its payment to the foster mother of the "mischievous" Bass boys, ages 8 and 13, from $22 to $25 a month, for instance, and it granted an increase as well to Jack Ginsburg's foster mother, in view of his mental retardation and bed-wetting.

Twenty-three years after the Agency's birth, founding director Matilda Kohn Sternberger first visited Bernard Husock and his elder sister, of 2328 South 3rd Street. The heiress to a fortune her mother's family had made selling Civil War uniforms to both sides, Mrs. Sternberger was by then widowed and had given up the grand mansion on 15th Street, where she'd lived with her husband, to share an apartment with her sister Dorothy, also widowed, at 250 South 17th Street, just off Rittenhouse Square. Then, as now, it was among Philadelphia's best addresses, boasting a doorman and, out front, four cast-iron hitching posts. Throughout their more than 40 years of widowhood, both sisters wore black, a grandnephew recalls; often it was black bombazine, which crackled when they moved. Both were "forces of nature," the grandnephew says; they were "a stiff set—strong-willed, formal, and Victorian." They were "T.R. Republicans, not liberals; F.D.R., to them, was the antichrist." Both were avid trout fishermen; Mrs. Sternberger directed that her ashes be scattered over her favorite fishing spot on Lake Placid, near her summer home.

There were days, one can imagine, when Mrs. Sternberger came out of 250 South 17th Street to go

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to lunch at the Sun Dial Tearoom next door—other days when she would call for her driver to take her to South Philadelphia. To judge by Agency records, this woman of means was devoting far more time to home visits to foster children than to lunch at the Tearoom, however. She routinely supervised 30 children and sometimes reported more visits than that in a given month. By the time she met my father and his sister, she had been engaged in such visits herself for more than 20 years and, not unjustifiably, had by 1935 come to list her occupation in city records as "social worker." Her special interest, Agency records show, was adolescent girls.

The chain of events that brought their lives together, a young brother and sister and Mrs. Sternberger, began with a private drama in the Ukrainian village of Brzne, where in 1910 my father's mother, Leebe Przkylnik, gave birth to a baby girl. Still alive today at 89, my father's elder half-sister all but acknowledges her own illegitimacy. Although she refers to her mother as "divorced," she says, plainly, "My mother was impregnated by the son of a wealthy family, who then left her." Need can arise from acts of God or personal mistakes—both causes seem to have led to my father's predicament. His mother left the Ukraine in 1912, leaving her young daughter with her own mother. She was put in touch with a man from Brzne, then living in Philadelphia—40-year-old Abraham Chusid (sometimes Husick or Chased, and ultimately, Husock), a widower with two older children. By 1920, these two slightly shopworn characters were married.

"Need can arise from acts of God or personal mistakes—both causes seem to have led to my father's predicament."

He was a presser in clothing plants on Philadelphia's Arch Street, which housed dozens of small, family-owned firms in four- and five-story buildings—Jaffe Brothers, Canter Brothers, Sol Glaser and Co.—and which today houses similar firms employing Chinese immigrants. Though he spoke only Yiddish, and could not read or write even that, my grandfather was part of Philadelphia's $1-billion-a-year textile industry, largest then of any city in the world. His small share of that wealth could support a lower-middle-class life in the part of North Philadelphia called Strawberry Mansion. There in 1921, with one child, a daughter, already born to them, Reba and Abraham Chased (as they were listed) purchased their own unadorned, plain-front, tan brick row house—2639 North Myrtlewood Street—financed with a $1,400 mortgage from the United Producers Building and Loan. And there, in 1925, my father was born, literally in the house.

It was a tiny street, little wider than an alley, with 40 attached houses on the two sides. Its modest residents—small grocers, produce dealers, a tinsmith—were far from Philadelphia's poorest. When my father was born, just over half had their own phones, though not my father's parents. But the household had its elements of gentility and ambition. My grandmother encouraged her eldest child—my father's half-sister, who was finally brought to America—to attend the city's normal school for teachers, rather than its trade school for secretaries. There was a piano and piano lessons for my father's full sister (five years older)—I'll call her Sylvia, since she doesn't want to be named "like those TV talk shows"—who remembers running down Myrtlewood Street to tell her mother about her good report card in the fourth grade, around 1929. Her mother was, at the same time, teaching her to read and write Yiddish.

By 1930, Abe and (now) Lena Husick, as the city address directory listed them, did have their own phone. Abe would later boast of having earned $125 a month. And as important as anything were the small dignities and proper appearances of a striving, middle-class life. Among my father's only memories of his mother—and it is filled with wistfulness—is that of her serving him poached eggs for breakfast, arranged with triangles of toast around the yolks. Little things must have mattered a lot to Lena Husick, to take such care in presenting breakfast to a five-year-old boy.

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The descent, when it came, was rapid. There had been domestic fights, dishes broken in anger, accusations that my grandfather was not bringing home the money he was earning, and, especially after 1929, spells of unemployment. To my father's sister, their mother was "the pusher, a higher class than he—and that's what caused the terrible turmoil." My grandmother paid an unending price for that terrible mistake in Brzne, that ill-fated affair that had left her with a ne'er-do-well as a husband.

Suddenly, with the Depression under way, there were no prospects: only children and a husband who did not make a living. "Where will I get bread?" she asked, Sylvia now recalls. Abe's earnings had fallen from $125 to $10 or $14 a week—when he was able to find work—the Juvenile Aid Society's records would ultimately show. At the same time, my grandmother accused him of having a wandering eye, even of wanting her dead. "When I'm gone you'll be a *frei vogel*," a free bird.

"My grandmother paid an unending price for that ill-fated affair that had left her with a ne'er-do-well as a husband."

Her decline began with a car crash outside Trenton, on a trip to see relatives in Boston, a crash from which she was carried away, bloodied, on a stretcher—my father's other significant memory of her. Soon thereafter came a breakdown, and she was taken to a place called Byeberry—officially, the Philadelphia Hospital for Mental Diseases—a "spotlessly clean, white and airy" place, housing 1,800 men and 2,000 women, according to a Juvenile Aid Society report. One must honor this massive public effort to help the mentally ill, rather than leaving them to roam the streets, in the name of compassion. And it is by no means impossible that Lena might have returned to North Myrtlewood Street, though the odds were long. Manic-depressive disorder was well recognized in 1930, though treatment was limited. For some patients, episodes would pass and not recur—and, if protected from themselves during those periods, they could return to their lives.

But my father's mother did not return. Here's how the records of the Juvenile Aid Society put it: "Since the death of their mother, 9/20/30, after two months in the Philadelphia Hospital for Mental Diseases, where the diagnosis was Manic Depressive Psychosis, death being caused by a cardiac and kidney complication, [Bernard and Sylvia] have been shifted from one home to another."

By 1932, the names of Lena and Abe Husick had vanished from the phone book. The United Producers Building and Loan had taken the house on Myrtlewood Street, and city records listed the former owner as "unknown." Once his wife was gone, Sylvia recalls, my grandfather was "helpless"—unable even to prepare his children's meals. He would pace the house, muttering: "*Die kinder* [the children]—who will take care of *die kinder*?" Was it an acknowledgment of the burden of responsibility or simply of his own inability to care for his progeny? Or was it the statement of a straightforward problem: who could he get to take care of them? Ultimately, his state of mind and work habits would matter; the Juvenile Aid Society would not hesitate to come to its own conclusion about them.

When he first "requested a plan" in June 1932—20 months after his wife's death—the Agency was sympathetic. It regularly provided widowers with support, even with a housekeeper, to hold the household together, and it readily approved his request. But he did not use the money to keep his household together. For a period on Myrtlewood Street, after his wife's death, he had tried that route: he'd hired a Hungarian cook to prepare the meals. But he did not have the money then to keep the cook for long, and another woman, lured into the house by romantic promises, did not stay long, either. By the time he began to receive money from

In her chauffered Cadillac, Mrs. Sternberger drove from her grand apartment at 250 South 17th Street, right, to visit my father and his sister.

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the Agency, perhaps even before he applied for aid, he had left Myrtlewood Street behind.

He had re-married sometime before the end of 1932—whether officially or not, I can't determine—and he had moved his children to the home of his new wife, the former Mrs. Bernstein, in South Philadelphia, a step down in the world from the Strawberry Mansion neighborhood. Presumably, the money from the Agency, once it approved his request for a plan, helped to pay expenses there. His daughter, Sylvia, for her part, has never forgiven him for asking for help. "He was always someone who was looking for something for nothing," she acidly remarks. What he did not know was that he was opening himself to a scrutiny he would never otherwise have faced.

"There were worse times, when the children did not know where to go home at night at all."

Those members of the Agency's placement committee who reviewed my father's case included Emma Loeb, wife of the developer Arthur Loeb, whose firm had constructed Philadelphia's Broad Street subway line; golf-playing and blue-serge-suited Rosa deYoung, one of Pennsylvania's first elected woman state legislators; and agency co-founder Bella Selig, who was married to the head of a firm called Moss Rose Manufacturing—and who would eventually leave most of her considerable fortune to the Agency. They met twice a month to sort through the families asking for help. We think of immigrant Jews as having been a middle-class-in-waiting; but the records of the Juvenile Aid Society tell stories of greatly troubled families, a group of poor Russians whom these German Jewish ladies with Victorian values were determined to set right, even if it took harsh measures.

There was illegitimacy, as in the case of the five Rosenthal children, whose mother had "led an immoral life," according to the placement committee, having never married the children's father. Unable to keep the kids together, the committee placed two with their grandfather, and provided him with a housekeeper. But when he didn't give them "the supervision and interest they need," the Agency moved them to foster care with strangers.

There was crime. A Mr. Lerner, in Holmesburg Prison, "has never done any legitimate work and was forced to move . . . from New York because he had served three prison terms there and a fourth offense would mean life imprisonment." The "extremely unhappy, neurotic" Mrs. Lerner "has given the children very inadequate care. . . . [They] have never received the love which was their due. Mrs. Lerner hoards her money, even depriving her children of necessities. Miss Baum asked whether Susan could be placed in a finer type of home without fear of over-placement and the worker thought this could be done."

There was desertion. "Mrs. Cautin had deserted the family because of the acute financial situation and the crowded quarters. We learned, however, that this was not her first desertion. . . . Mr. Cautin is genuinely interested in his children and expressed the desire to have them remain with him. It was suggested that, if Mrs. Cautin could be found, the home could be reestablished with the help of the agency."

It was a similar story that the Agency's board considered on March 22, 1934, when it revisited the case of Abe Husock and his children, two years after first approving his plan. The record of that meeting tells the story of a period in my father's life so bleak that he still finds it hard to discuss. He speaks of himself in the third person: "That was a scared little boy." The Agency's records make clear why. "Mr. Husock's third wife had turned them out of the home, because he was unemployed and she was unwilling and unable to care for his children. Both children were very unhappy in the home of their step-mother, who mistreated them." All three, the 55-year-old father with his 13-year-old daughter and 8-year-old son, wandered around, with the children boarded, presumably with money from the Agency, in a series of different homes: the

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My father was born in the row house at 2639 North Myrtlewood Street (with black stoop, above).

Segals, the Spivacks, the Gurewitzes on Cantrell Street—a house with a porch and kids nearby to play with, and a funeral, right there in the house, when Mrs. Gurewitz's father dropped dead helping to carry a refrigerator. Mrs. Gurewitz even came to school to meet my father's teacher when he was having problems in the first grade, in a new school in the new neighborhood.

At other times, Abe Husock apparently did not place his children anywhere. Did he try to make the Agency money support all three of them? Did he have hopes of reconstituting their own household—though he had done little toward that end, having frittered away the $1,100 insurance settlement he ultimately received from his late wife's automobile accident? In those times, all three of them shared a single room. "It was Depression time; he couldn't get a job anywhere," my father recalls. "I remember the crowds of people, 'Who wants to work for 25 cents an hour? Who wants to work for 20 cents an hour?' " Despite it all, my father remembers his father warmly from those times as a man who told him stories and took him to synagogue, and for whom he recalls rolling cigarettes, father and son using the rolling machine together. One of those cigarettes smoldered one evening in Abe Husock's mattress in the boardinghouse where he and his children were staying. When the mattress caught fire, only Sylvia awoke, leading her father and brother, as in a dream, to the street and saving their lives.

There were worse times, when the children did not know where to go home at night at all, including the night when Sylvia led my father across the Walt Whitman Bridge to Camden, New Jersey, where their elder half-sister—by then, a married schoolteacher—would at least provide a meal and a place to sleep. (Had there

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BALCH INSTITUTE

Foster parents welcome foster children into their new home in Philadelphia.

been no available charity, one wonders, would the half-sister have taken in the two children?) It was a time my father remembers thinking when he awoke in the mornings that it all might turn out to be a child's bad dream, from which he would wake up back on Myrtlewood Street, with his mother serving him poached eggs with triangles of toast.

Instead, his situation came to the attention of the Agency's Placement Committee, meeting in room 209 of the Jewish Federation Building on 9th Street, in March 1934. The report of the proceedings of that day is a harsh indictment of my grandfather, written by a group willing to judge people unsentimentally—and, backed by laws dating from 1825, to take their children away. Not for them today's doctrine of "family preservation"—trying to keep biological parents and children together at almost all costs. The Agency had already tried that; its board members were fed up with the ways in which my grandfather had been wasting their money.

"Placement is now being requested," reads the report, "because Mr. Husock has proven to be a shiftless, irresponsible person and it is necessary that a permanent plan be made for the children" to give them "a measure of security." Had Abe Husock not frittered away the insurance settlement from his wife's car accident? He had "claim[ed] that this money had been used up in paying the funeral expenses and supporting the children," the report notes—and the operative word here is "claim." It recurs. "Although Mr. Husock claimed to be unemployed, his wife informed us that he works irregularly. . . ." He was supposed to have contributed

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toward the children's support, the report continues, "but he has not adhered to this plan. It is felt that even if he were working steadily, he would not pay toward the children's support, unless a court order is placed upon him." The best thing for the children, the Agency decided, was to take them away and put them in a foster home.

The Placement Committee believed that it could differentiate among the wide range of supplicants it saw—and, because it was spending private funds, it had the discretion to make such choices, to put the needs of the children first, without unduly worrying about the feelings of the parents or about what today's social workers would call the goal of "implementing more culturally sensitive child-protective services." The Agency did not kid itself that Abe Husock was leading some different, but still valid, way of life.

"My father remembers thinking when he awoke in the mornings that it all might turn out to be a child's bad dream."

It viewed him instead as having failed his children—about whom committee members were knowledgeable, indeed enthusiastic. The Agency's assessment sang with praise of my father's sister: Sylvia "is an attractive, extremely intelligent girl," who "does brilliant work," the report gushes. "She has always carried a great deal of the responsibility for Bernard, who is shy and dependent on her." When all else had failed, it was she who had "arranged for Bernard and herself to live in the home of a school mate, where they have made a fine adjustment." This was the Bleischman family, which would take them in and be paid for its trouble by the Agency. Abe Husock's custody of his own children was at an end.

Even after their placement, Sylvia and Bernard continued to visit their father. On New Year's Eve, 1935, the day he died, Sylvia found him, unconscious, on the floor of the rooming house in which he was living above a butcher's shop at 4th and Wolf, in South Philly. He had complained for a while, my father recalls, of rectal pain. When the 15-year-old girl and her 10-year-old brother worked their way through the bureaucracy and corridors of the Philadelphia General Hospital the next morning, someone would explain to them in Yiddish that he was *tot*—dead. But the brilliant girl would overhear the doctors and remember 60-plus years later: prostate hypertrophy, leading to the inability to urinate, with blood poisoning the result—just as it was indicated on the death certificate. One can only wonder whether, had she and her brother been living with him still, they might have saved him—the condition was surgically treatable, even then—and whether there would have been no burial on New Year's Day, 1936, in a pauper's grave, with costs paid for by the burial society to which he belonged. Such was the fate of the shiftless and irresponsible in 1935.

As for me, my middle name is Abel, in memory of Abe; whatever his failings, my father did not fail to honor him, as Jewish custom would have it. And Abe's death provided a warning for me more than 60 years later. Because a physician dutifully listed prostate hypertrophy as the cause of his death, I was led to consider whether that swelling could have been owed to cancer—and to seek the tests that identified my own prostate cancer at the earliest, most treatable stage.

By the time of Abe's death, the agency had arranged a long-term placement for Bernard and Sylvia at the home of a barber and his wife, Louis and Miriam Grisbord, who owned a corner row house at 3rd and Fitzgerald Streets, near the southern edge of South Philly. One factor that made the Agency's placement system work was the fact that low-income Philadelphians commonly weren't apartment dwellers but instead lived in—and owned—row houses. They had mortgages to pay off and, with the Depression, were willing to rent rooms to a variety of comers, foster children included. At the Grisbords, my father fondly remembers a fellow boarder named Martin, an out-of-power Democratic committeeman in a Republican-machine city, who would always dress well and

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always first demur, when asked if he had plans for dinner, before joining the others.

In keeping with Agency rules, my father and his sister had to have their own rooms, a luxury at the Grisbords, where a married couple with a child boarded together in a single room. My father took advantage of his tiny room to have a desk at which to study and even set up a chemistry set. In other respects, he and his sister were better off than their street-corner peers who were not in the Agency's care. The Agency provided medical care and psychological testing: my father can recall being much affected by hearing the psychologist who tested him, at age ten, remark: "This is a pretty smart kid." There was an arrangement for the children to make annual visits to Hanover Shoes. The Agency sent its wards eggs and milk, beds and bedding, and it paid for two weeks at the Jewish Federation's summer camp. My father's memories include the names of the cabins—each named for a different college, including D for the Drexel Institute of Technology, to which he would eventually take the streetcar from the Grisbords' to attend.

PHILADELPHIA STORIES

A popular shop in the Strawberry Mansion neighborhood, where my father was born

One of the most profound consequences of Sylvia and Bernard's formal placement was the new, far deeper personal relationship that Sylvia developed with Mrs. Sternberger. "I called her my fairy godmother," Sylvia recalls—and sure enough, not only did she visit Sylvia in South Philly, but she spirited her, Eliza Doolittle-style, to 250 South 17th, as well, where German maids waiting at table introduced her to foods and decorum she'd never known. Mrs. Sternberger threw open a closet filled with old clothes that had belonged to her nieces and told Sylvia to pick out what she liked. There were trips to the symphony and to Congregation Rodeph Shalom to be introduced to Jewish society.

Mrs. Sternberger's hope was to lead the children she supervised up the social ladder. For that reason, she didn't like placing children in foster homes where they would get room and board in exchange for domestic work. "I tried [that]," the minutes of a January 1933 board meeting quote her as saying, "but never was successful." And if Mrs. Sternberger made Sylvia a protégée, Sylvia in turn transmitted the values of upward mobility she was learning to her younger brother, urging him to do his homework so that he would not "end up like Poppy." As my father recalls: "That was her big thing with me, 'You'll end up like Poppy; you'll end up like Poppy.'" My father's strongest memory of Mrs. Sternberger's talks with him in the Grisbords' front parlor was her urging that, when he succeeded as an adult, he must always remember his own charitable obligations. "She would recite all these other cases that she had had—other people who had been like me, who had now made it and were big contributors." Her own charities weren't limited to South Philly's kids: at the same time she was meeting with my father, she was making special donations to the Agency to bring Jewish children out of Nazi Germany to foster homes in Philadelphia.

When my father thinks back about what made the difference in his life, though, he doesn't name the Agency first, or even Mrs. Sternberger. "If there's anyone who rescued me," he says, "it was Mrs. Grisbord," the foster mother with whom the Agency placed him. She scrubbed him thoroughly

Pushcarts on South Street

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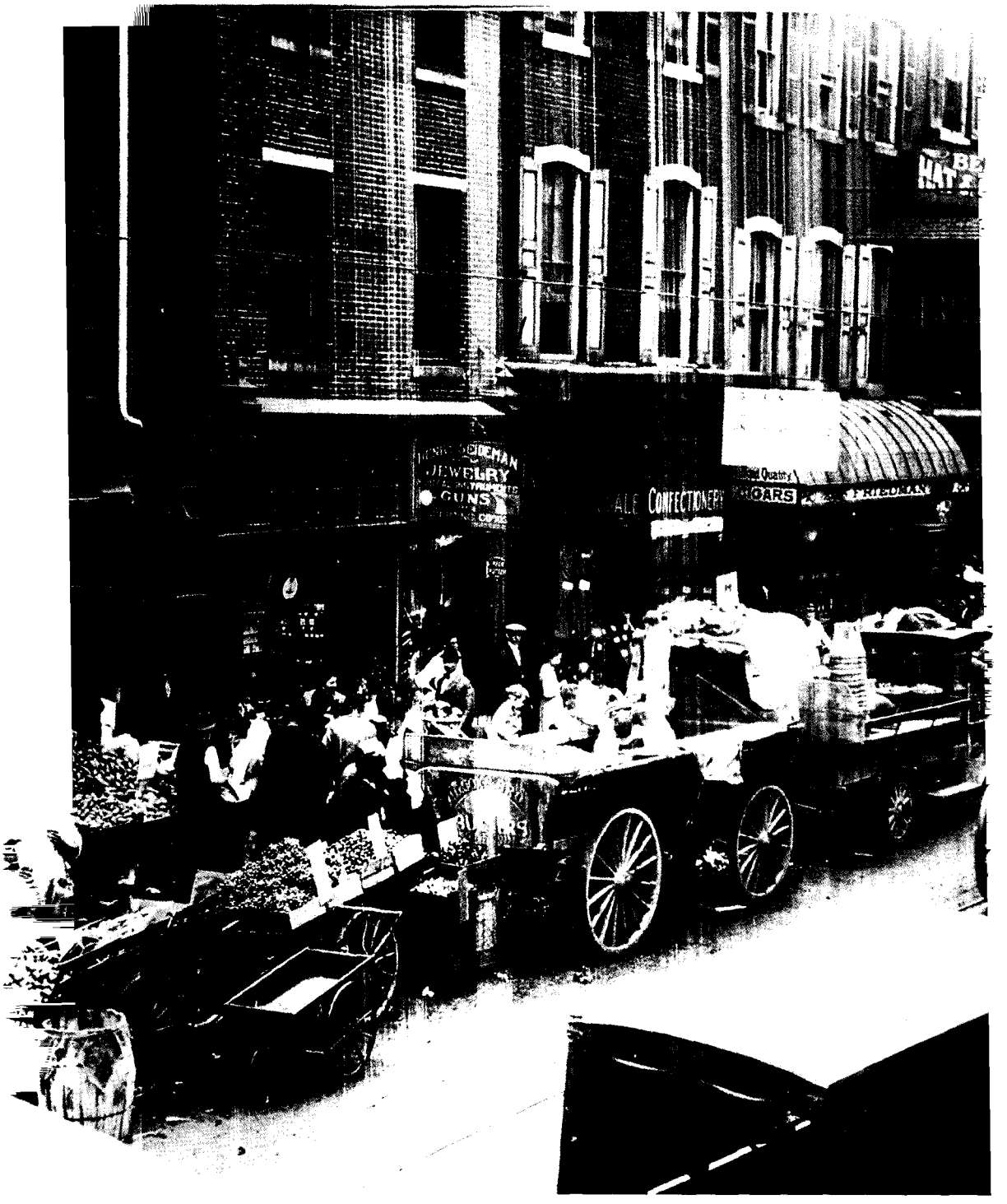

father's foster mother bought his bar-mitzvah suit from a clothier on South Street, above.

when he arrived in the household. "I remember saying, 'Gee whiz, my fingernails are white.' I never remember having white fingernails before that." She took him to South Street to bargain for a bar-mitzvah suit. ("Let me make a living," the clothier would say. "You don't deserve to make a living!" she would reply.) And she held together a boarding-house-style household that contributed mightily to his sense of security, even to his ultimate livelihood. Mr. Grisbord, who operated a barbershop in the room fronting the street, brought my father along in the trade, helping him get his license and finding him good-paying work at other shops when he graduated from the South Philadelphia High School for Boys ("Southern") and the Agency no longer contributed to his support. One of the Grisbords' own children, whom Sylvia sought out in later life and regularly took to lunch, remem-

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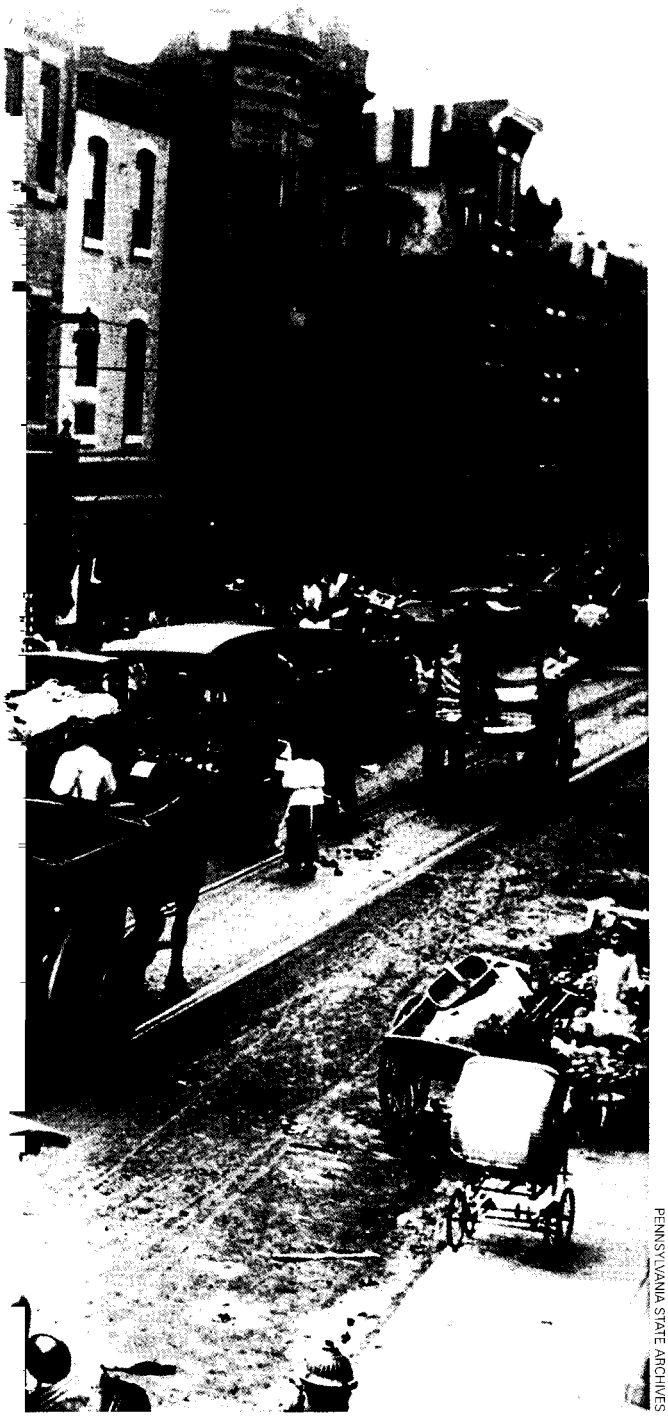

PENNSYLVANIA STATE ARCHIVES

bered my father's childhood laughter as having helped light up her home.

Very much a working-class family—although Mrs. Grisbord subscribed to the *Literary Digest* and Mr. Grisbord listened to opera on the radio—the Grisbords respected, even deferred to, their academically oriented wards. No doubt the Agency had informed them of Sylvia's "brilliance"—dramatically confirmed when, not yet 16, she graduated second in her class from the elite Girls High School and went on scholarship to the University of Pennsylvania—as noted on page one of the *Philadelphia Evening Ledger*, which pointed out that the Juvenile Aid Society had assisted her to this pinnacle.

Beyond the Grisbord household, the neighborhood was a rich resource—safe, friendly, and peopled by watchful adults, who congregated up the block at Lazowick's drugstore and who relayed the daily number in loud voices down the street. "Once I had ringworm," my father recalls, "and the woman next door would come and put iodine on it every day—just a neighbor." He was part of a group that played stickball and kick the can in the street and awarded benign nicknames: he was Jupiter, for his interest in astronomy and in Mozart's 41st Symphony. The larger Philadelphia community abounded in institutions that played key roles in his development. His South Philadelphia High School teachers introduced him to the Mozart he still loves and urged him on in Latin and in his "declamations" of Longfellow and the Gettysburg Address. They prepared him for a career requiring him to be at home with calculus, the sciences, and public speaking—with the Agency regularly reviewing his report cards. And the Franklin Institute, a science museum founded through a bequest from Benjamin Franklin, was an inspiration to a boy who followed, as a career, Franklin's own interest in electricity. So it would be possible to understand my father and his sister as having been saved not only by the Agency but also by what Thomas Sowell would call the accumulated cultural capital of the neighborhood.

Still, the Agency was the key to it all, the institution that made everything else possible. Sylvia recalls seeing prostitutes on the street and considering the thin margin between her fate and theirs. Looking back, a generation later, I can't help feeling a debt of gratitude and believing the world would be better if organizations like the Agency still operated today, despite the vast changes between my father's childhood and the present.

The idea that a private philanthropy, largely staffed by volunteers, should take on the delicate task of "child protection" would seem quaintly antique to today's experts, with their now-

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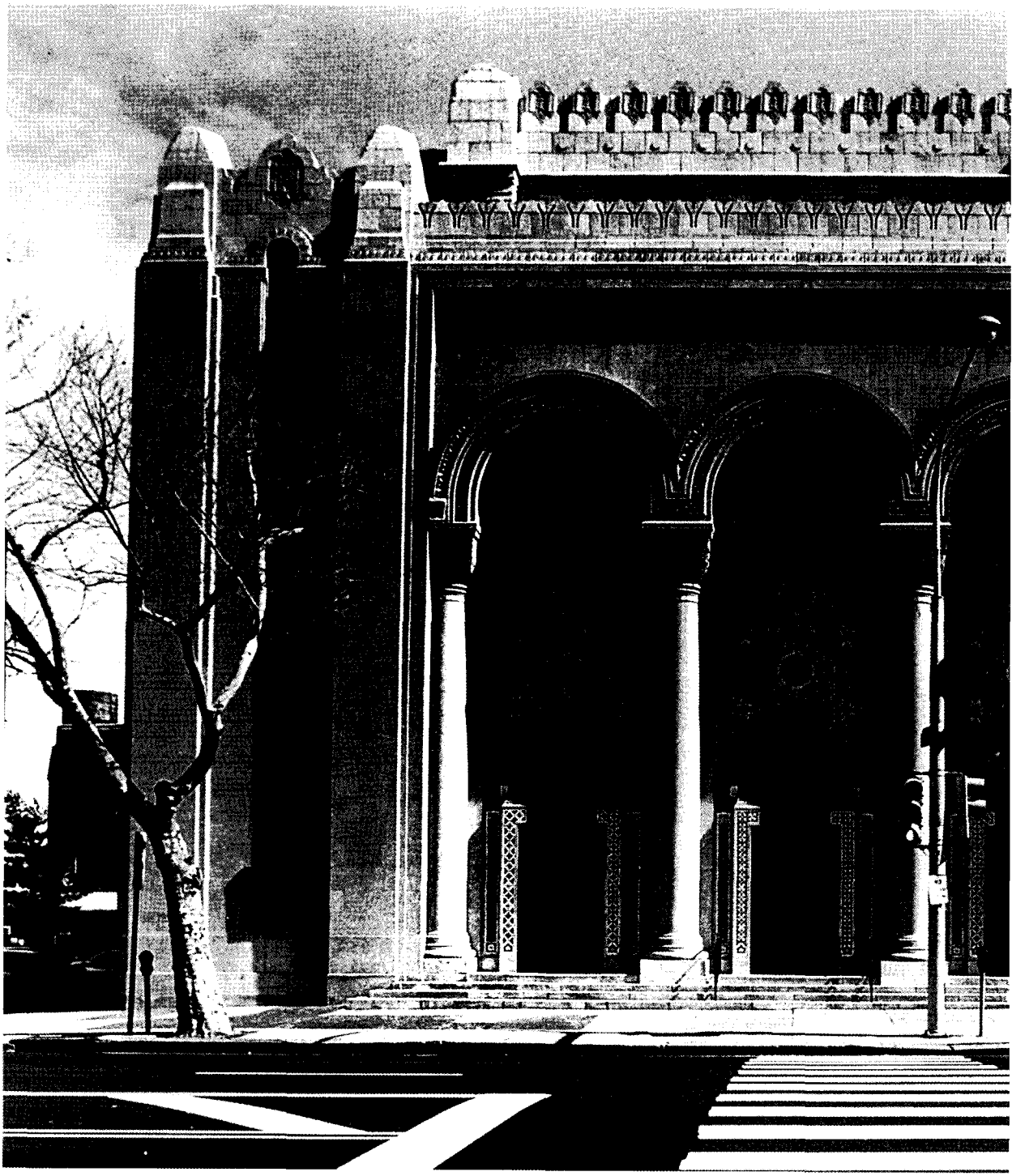

RICHARD BELL/WORLDWIDE VISUAL ASSIGNMENTS

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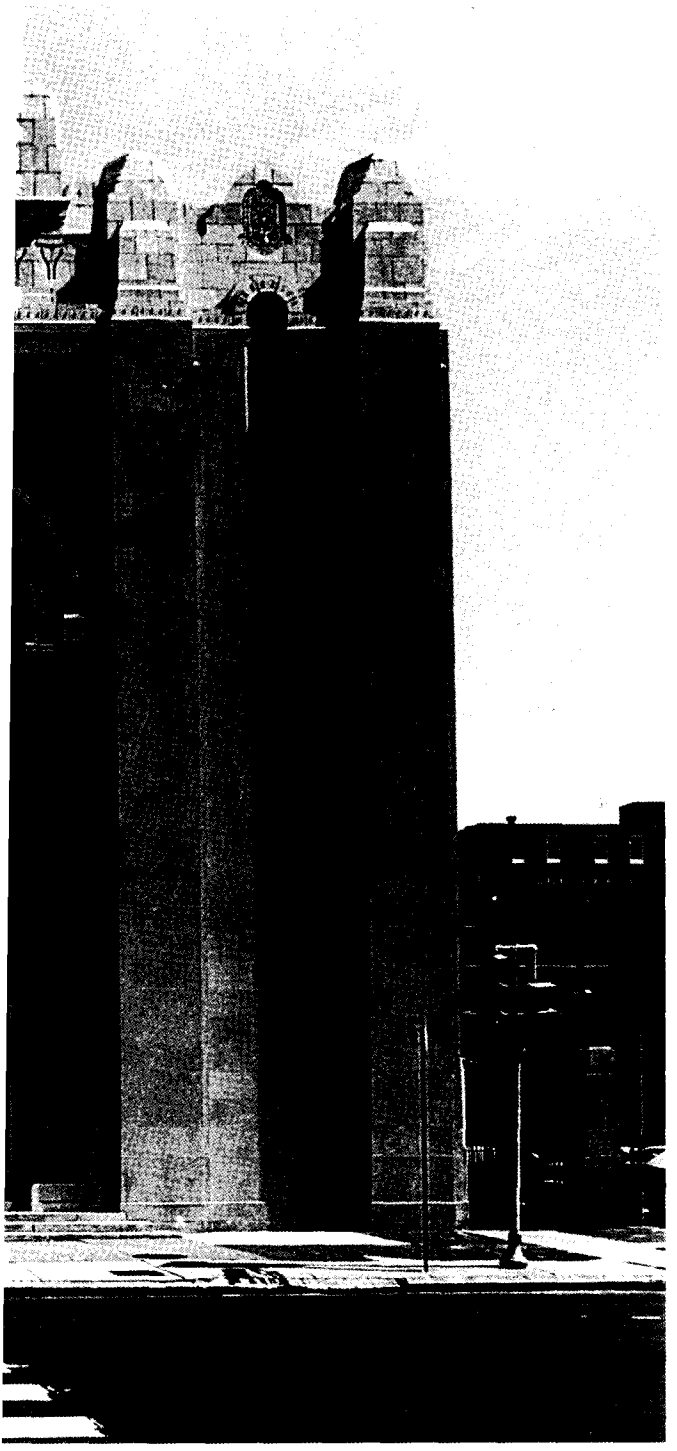

instinctive belief that the proper response to need should be public, not private. Such experts view the private good works of the Victorians as outworn evolutionary stages toward a world in which "human services" are, rightly, a state responsibility. In the experts' social democratic view, a world of private philanthropy fails the key test of universalism. Back in the Agency's world, they would say, chance and caprice played too great a role in determining which children got which sort of attention. Only a system that gives no child a greater claim on assistance than any other can be just or legitimate.

Moreover, where would a world of private philanthropy leave the minority kids who are today's most usual candidates for help? And why should upper-middle-class blacks intervene in the lives of these children, for whose plight the entire society is, in this view, responsible? For Mrs. Sternberger and her colleagues, who didn't blame America for the condition of immigrant Russians, it seemed logical to take charge of the children of their poorer brethren. "When they heard of someone in trouble," Mrs. Sternberger's grandnephew recalls, "they would automatically ask, 'What can we do?' They couldn't conceive of government playing such a role." But blacks, not illogically, have taken the opposite view—and historically, have lacked the financial resources to take on such an effort, anyway. Their biggest attempt in this direction—the Urban League's effort to shape itself as a mass immigrant aid society to acculturate rural blacks to urban life—ended in failure after World War I. With all these impulses pushing toward publicly funded, universally available social-service programs, it's no wonder that the powerful child-oriented nonprofit agencies of today—above all the Children's Defense Fund—are not themselves providers of services but rather advocates for greater public funding of child-welfare services.

Yet in practice, the replacement of private charities with public departments of child welfare has been far from an unmitigated improvement. The child protection these agencies provide is universal only in theory. Horror stories of child abuse and neglect unchecked by publicly paid social-

Mrs. Sternberger and her fellow Agency board members belonged to Rodeph Shalom Synagogue, which she and her husband helped found.

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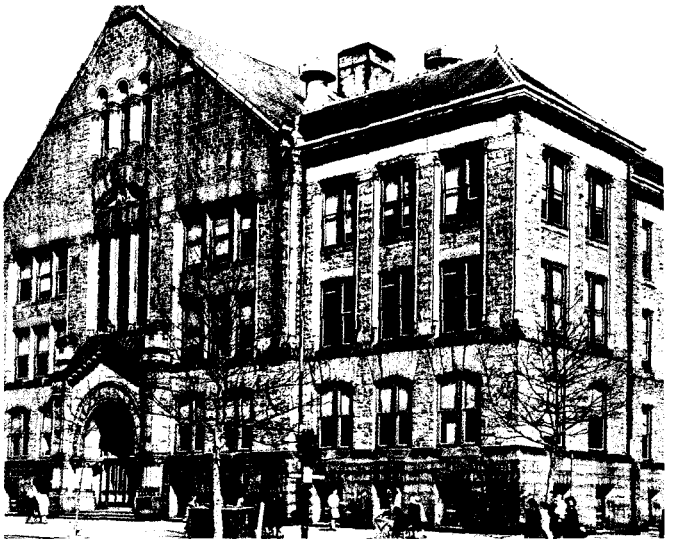
service providers raise the question of whether the public system can ever offer the benefits that come with the individual, charitably motivated interest of a Mrs. Sternberger coming to the parlor. Any big-city tabloid almost any week prints the by-now familiar litany of children burned, beaten, starved, or killed by parents, foster parents, or mothers' boyfriends in households supposedly under the supervision of public agencies that have repeatedly failed to conduct the required home inspections—or didn't understand what they were seeing when they did. It hasn't been demonstrated that public institutions are capable of providing the effective inspections that the reformers who originally pushed for foster care understood as key to the system.



South Philadelphia High School introduced my father to Latin and calculus, Mozart and public speaking.

If the goal of universalism in child protection is a chimera, no matter how much money we pour into our public systems—if no public system can provide the oversight that private, often religiously motivated, groups, operating on their own rather than through government contracts, provided in their day—perhaps it's time to consider whether we could, and should, return to a Juvenile Aid Society approach to assist the children of today's minority urban poor. Perhaps we could resuscitate the powerful philanthropic and volunteer impulses, and the institutions of civil society, that an expanded welfare state has stifled.

How practical would such an approach to child protection really be today? For the first time in American history, blacks have accumulated significant wealth, and Michael Jordan has set the example of endowing a foundation for children in Chicago. Well-established mega-churches could organize volunteers, much as Congregation Rodeph Shalom did for the Juvenile Aid Society. For example, despite a national foster-home shortage, a Chicago program called "One Church, One Child," in which ministers appeal for foster parents from the pulpit, has been dramatically successful in finding homes for formerly hard-to-place black children.

Organizing such efforts by race or ethnicity suggests itself because, historically, ethnic group members have been those most motivated to take care of their brethren. But these efforts could be organized by locale as well, with towns taking care of their own through local foundations. A true inheritor of the Juvenile Aid Society tradition would need only embrace the idea of the affluent giving their time and resources to uplift poor children—to teach them "moral behavior" through "right habits and daily practice," as the Agency put it. It would stress the personal nature of the transaction, as well as the discretion to withhold or condition support. Nor would such non-public efforts have to be small or local: consider the Red Cross, which does not receive government funds but which, with its tacit government franchise to do disaster relief work, has a vast capacity to raise private donations and mobilize volunteers. The fact that we have taken the public route in approaching child protection does not mean that the choice was inevitable—or that the broader welfare state is an historical inevitability that cannot be undone.

From the libertarian side, one could object that any large-scale intervention in the lives of the poor—whether with private or public funds—

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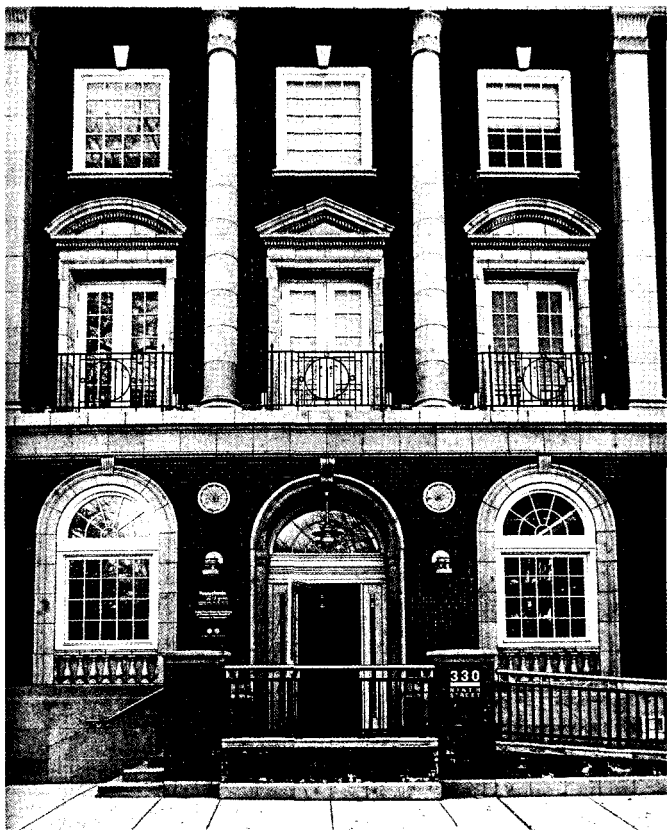
entails an inevitable danger of dependency. But it does not undermine the market to use charity and volunteers to help prepare people—particularly, children—to take their place in a market-based society. As the Victorians understood—whether in their crusades against drink or promiscuity—civic leaders have a responsibility to help prepare the poor, particularly those not accustomed to urban life, for the trials of the market, rather than simply to let the market discipline their efforts and foreclose opportunity for their children. When the children realize their potential, the whole society benefits.

What this responsibility does not imply, however, is a professional class of publicly funded social-service workers. In fact, the involvement of the successful in assisting the striving guards against the tendency of social-service professionals to blame "the system" for misfortune and to deliver that self-defeating, passivity-inducing message to the poor. In my father's case, that was left to the neighborhood socialists, of whom there was no shortage. He ultimately rejected them; whether with Mrs. Sternberger's advice in mind or not, I cannot say.



RICHARD BELL/WORLDWIDE VISUAL ASSIGNMENTS

The old Federation of Jewish Charities Building at 9th and Pine

For my father, his sister, Mrs. Sternberger, and the Agency, there is a coda to the saga, and not an entirely happy one. Trial and tragedy leave a residue that doesn't evaporate. My father and his sister both went on to successful lives in the upper middle class: my father became an engineer; his sister was a technical and scientific writer who worked for the Environmental Protection Agency and married a candy and tobacco wholesaler who became a successful investor. But brother and sister drifted apart, perhaps because they reminded each other of the trials they had jointly endured, and they have seldom spoken to each other since those hard years. My father went to engineering school on the GI bill—but not until, before entering the navy, he paid his crucial first-semester tuition bill with a private $100 loan from Mrs. Sternberger. He had nowhere else to turn for the money and so went to 250 South 17th to ask for it.

Mrs. Sternberger, for her part, tried to stay in touch with Sylvia—even visiting her at her new home on Philadelphia's Main Line, where, Cinderella-like, she had arrived as a married woman in the late 1940s. But Sylvia, rebuffing her efforts to remain close and to find in her, perhaps, the child the old widow never had, gradually cut off contact, not wanting to be reminded of the past. "I was very cruel to her," Sylvia says today. And my father, notwithstanding his sister's entreaties, never did get around to paying Mrs. Sternberger back the $100, although he had saved enough in the navy to do so. Perhaps he viewed the loan as his due; anyway, he reasoned, Mrs. Sternberger didn't need the money.

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Still, as a child I was always struck by the energetic effort he put in each year—uncharacteristic for a man uninvolved in local affairs or institutions—to raise money for the Cleveland Jewish Welfare Fund. Nor did Sylvia entirely forget the advice of her benefactress, either. Even today, in her late seventies, she continues to volunteer, traveling to South Philadelphia to teach English to new Asian immigrants—often passing by the Grisbords' old house on her way. Nor did she fail to attend Mrs. Sternberger's funeral in 1950 at Congregation Rodeph Shalom, where she remembers the reading, presumably at the onetime friendly visitor's own request, of Tennyson's "Crossing the Bar," a perfect poem for a Jewish Victorian who had lived its message of a life guided by religious duty:

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;
For though from out our bourne of Time and Place
The flood may bear me far;
I hope to see my Pilot face to face
When I have crost the bar.

The Juvenile Aid Society carried on for some years after dealing with my father's case. Chairwoman Bella Selig, one of its founders and main benefactors, passed the torch to Mrs. Lessing Rosenwald, married to the son of Sears magnate and renowned philanthropist Julius Rosenwald. But ironically, largely through the efforts of its limited but always-present paid staff (predominantly eastern European rather than German Jews), the Agency became an advocate of the forces that ultimately diminished its usefulness. Even when funds were scarce, it contributed monthly to the American Association for Labor Legislation, a key lobbying group promoting passage of the Social Security Act; the Agency's executive director, Gertrude Dubinsky, received personal thanks from I. M. Rubinow, one of the nation's leading advocates for social insurance and the nascent welfare state. The Agency's minutes reflect a faith that as an expanded public sector subsumed efforts such as its own, social services could only improve.

By 1942, the Agency had been merged into a Philadelphia-wide Association for Jewish Children, and ultimately it became part of the Jewish Children's and Family Service, provider of a great range of assistance to many—including 325 children it places, under county contract, in foster care. Some things have changed but little: the rabbi from Congregation Rodeph Shalom sits—as always—on the board of directors, and there are board members whose families have been playing a similar role for four generations, including a nephew of Mrs. Sternberger's. Because the Agency has chosen to obtain only a third of its $9 million annual budget from government contracts, it can continue to emphasize sectarian services for Jews in most of its programs. It even continues to receive funds from the estates of some of the board members of my father's era—including, as recently as 1993, $23,000 from the sale of utility stock that had belonged to the estate of Matilda K. Sternberger. The money, Mrs. Sternberger dictated, should go toward the purchase of radios, televisions, books for the blind, or other recreational devices—for the infirm elderly. One can only speculate whether her lifelong interest in children had waned because of what might have been her own lonely last years, her friendly visiting days over—or whether she was saddened by the unwillingness of her protégés to let her play a role with their own children.

Mrs. Sternberger had anticipated the Agency's future emphasis; today, it assists some 4,000 Jewish elderly each year and employs some 500 volunteers as friendly visitors to them. But it no longer uses volunteers to visit the 325 children (only ten of them Jewish) for whom it cares, and it must not incorporate religion into its approach to those children. Family Service executive vice president Harold Goldman, warm and enthusiastic and well versed in his agency's history, believes that volunteers would have little to offer the black and Hispanic children of drug-addicted mothers for whom the Agency's paid staff now cares. "The cultural barriers are just too great," he says.

Perhaps so. But one wonders whether they are any greater than those that separated two orphaned children in South Philadelphia from a woman arriving in her black Cadillac 65 years ago. ■

My father with his foster mother, Miriam Grisbord, at his wedding in 1948

COURTESY OF BERNARD HUSOCK

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Scared of Pit Bulls? You'd Better Be!

Brian C. Anderson

Pit bulls drove my family from the Bronx. My pregnant wife and I had moved to Bedford Park, off Mosholu Parkway, late in 1997. Though the neighborhood had rough edges, we got used to it, at least for a while. After our son was born, however—and as spring blossomed, and we ventured outside more often—we found ourselves growing ever more frightened of dangerous dogs. Pit-bull owners had converted the little park in front of our apartment building into a dog-training ground, where they goaded their animals into attacking one another or taught them to hang from tree branches to strengthen their jaws and their tenacity. Not surprisingly, when the dogs were running wild, the neighborhood's young mothers gathered up their children and fled. Seniors cowered together on a few benches. Like the mothers, owners of small dogs waited until the park was pit-bull-free before taking them for a walk. The park had been lost as a public space, impoverishing the neighborhood.

The dogs had taken over more than the park. Walking down 204th Street or past the gone-to-seed low-income housing abutting the Metro-North Botanical Garden stop, we regularly ran a gauntlet of thugs flaunting spike-collared pit bulls, bespeaking a world of anarchy and dread. As a friend and I walked home one spring night, we saw three stocking-capped toughs slouched against a chain-link fence, barely restraining a thick-necked, snarling pit bull. My heart raced, until I noticed two young cops walking in our direction, just beyond the bad dudes. My relief was short-lived. "It's a full moon, and dogs go crazy in the fooool moon," one of the thugs howled wildly, as he let the pit bull lunge to the end of his leash at the cops. A confrontation seemed imminent, but the two officers nervously crossed the street to avoid it. "I guess we know who won that battle," my friend glumly noted, and we crossed the street, too.

After a rash of unsettling incidents—including a tornado of eight unleashed pit bulls swirling across the park and the savage mangling of our neighbor's small mutt by another loose pit bull—we decided this was no place for a baby, and we left. We had learned that intimidating dogs can impair a neighborhood's quality of life and give the sense that no one is in charge every bit as much as drug dealing, prostitution, or aggressive panhandling.

Bred for violence, these dogs can wreck a neighborhood's quality of life as surely as prostitutes or drug dealers.

Though dog advocates would dispute it, our fear was justified. According to the Centers for Disease Control, dogs bite 4 million to 5 million Americans every year. Few attacks are fatal (25 in 1996), but serious injuries—everything from a gash in the arm requiring a few stitches to severed hands and fractured skulls—continue to rise and now stand at more than 750,000 annually, up nearly 40 percent from 1986. Dog bites are one of the top causes of non-fatal injuries in the nation.

Children are the most frequent victims, accounting for 60 percent of the dog bites and 20 of the 25 dog-bite fatalities in 1996. Dog attacks are now the No. 1 reason that children wind up in hospital emergency rooms. Incredibly, nearly half of all American kids have been bitten by the age of 12. The Humane Society of the United States estimates that more than $100 million gets spent yearly treating dog bites in the nation's emergency rooms, and U.S. insurance companies paid out $250 million in dog-bite liability claims in 1996.

Pit bulls and pit-bull crosses (not always easy to distinguish) have caused more than a third

Pit bulls have become a standard-issue underclass accessory.

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of the nation's dog-bite fatalities since 1979 and a comparable proportion of serious injuries. The rising number of attacks, and the unease pit bulls and other dangerous dogs cause in public spaces, have spurred many municipalities to crack down with legislation ranging from muzzle laws to bans on pit bulls and certain other breeds.

New York City, with a million dogs, conforms to these national trends. In 1997, the Department of Health reported 7,075 dog bites in the city and some 1,000 complaints about frightening dogs. Gotham police and other authorities had to round up 892 biting dogs in 1997, 200 more than the year before. Of these, 294—33 percent—were pit bulls or pit-bull mixes, though they make up only an estimated 15 percent of the city's dogs.

Recent pit-bull attacks in New York City have hit the headlines. In one horrific incident a little over a year ago, four unleashed pit bulls swept, barking and growling, through Richmond Hill, tearing at anyone in their path, as screaming passersby took cover on top of cars or fled indoors. Two of the enraged animals rampaged through a supermarket on 135th Street before police shot them to death. Powerful tranquilizer darts downed the other two dogs. Three people were seriously injured in the frenzy. Other recent attacks were no less violent. In late 1996, three pit bulls mauled an 85-year-old Bronx man to death. In 1997, two pit bulls severely injured a 12-year-old Brooklyn girl, and other attacks left a seven-year-old Queens boy with a bone-deep wound to his leg, and an 11-year-old Queens boy with a shredded arm. Pit bulls can inflict such terrible damage because their massive skulls and powerful jaws give them almost super-canine biting power.

Pit-bull-inflicted injuries in New York City will almost certainly spike up because of a senseless new federal law ending a 60-year official ban on animals in housing projects. The New York City Housing Authority long looked the other way as project residents took in pets. But two years ago, after tenants barraged a newly installed quality-of-life hotline with dog-related complaints, ranging from organized dog fighting to pit-bull attacks on other pets, the authority launched a campaign against vicious animals in public housing. Intimidating dogs had many residents, especially seniors, living in a "state of fear and terror," as authority spokesman Hilly Gross put it. Though ambiguous wording in the federal legislation may allow the authority to retain some restrictions, the new law invites disaster by permitting lots of pit bulls within biting distance of lots of children and old folks.

Pit bulls are also wreaking havoc on the city's public property. As Manhattan Parks Commissioner Adrian Benepe observes, "Some pit-bull owners train their animals to fight by having them lock their jaws on rubber swings in children's playgrounds, which very quickly destroys the swings." The cost to taxpayers: $250,000 annually. "Perhaps more ominously," Benepe adds, "these owners have started to use young trees to train the pit bulls."

Parks Commissioner Henry Stern, aware of the property damage and sensitive to complaints from "terrorized" parents, joggers, and senior citizens about roving canines in city parks, now is enforcing the city's leash law, requiring owners to keep their dogs leashed between 9 AM and 9 PM, unless they are using one of the city's dog runs. The new campaign, targeting Central and Riverside Parks, issues $100 fines for first offenders and doubles the penalty, up to $1,000, for each subsequent offense. So far, despite howls from some pet owners, spot checks show the percentage of unleashed dogs down dramatically, as owners have gotten the message. Mail to the Parks Department has run three-to-one in favor of strict enforcement.

Stern's initiative follows closely on the heels of the Giuliani administration's proposed new dangerous-dog legislation, announced earlier this year. The mayor's proposal jacks up fines for owning a vicious dog, makes it easier for the city to label a dog dangerous, and requires pit-bull owners to purchase $100,000 in liability insurance before they can get a dog license. Predictably, the proposal has enraged dog owners.

According to New York City Health Commissioner Neal Cohen, the city needs the new law because of its high number of dog-inflicted injuries. The existing dangerous-dog law, on the books since 1991, has been ineffective in practice, because it

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requires the Department of Health, which adjudicates dog-bite cases, to prove that a dog wasn't "provoked" before it can label the animal dangerous and require it to be muzzled or impounded. As Cohen observes, "It is almost impossible to define what a particular dog subjectively perceives as a 'provocation.'" The law also requires lengthy hearings before the city can take action. As then-Corporation Counsel Paul Crotty complained after a pit-bull attack in 1997 killed a Queens man, "It's a dopey law that puts the emphasis on protection of due-process rights of dogs . . . rather than on the protection of people."

But those priorities are just what dog advocates want. Lisa Weisberg, vice president of government affairs of the ASPCA, testified against the new law, arguing that its "proposed elimination of a hearing process to fairly and adequately determine whether or not a dog is truly dangerous is extremely disturbing and deprives a dog owner of his/her due process." In fact, dog advocates often embrace a strangely askew, doggy-centric view of the world. Gordon Carvill, president of the American Dog Owners Association, is a case in point. When I described to him the fear my wife and other young mothers in our Bronx neighborhood had about using the public park when pit bulls were on the loose, he defended the dogs. "Some people are afraid of any kind of dog—you know that," he admonished. "Dogs know when someone is afraid, and they're apt to be more aggressive." So the mothers are the problem.

Carvill seconds Weisberg's objection that the city's proposal threatens the due-process protections of pet owners. But the law's biggest defect, he says, is that it singles out a specific breed, in its requirement that pit-bull owners buy liability insurance. (The city's desire to regulate pit bulls is in seeming conflict with a 1997 state law, similar to those 11 other states have passed, that bars breed-specific local legislation.) For Carvill, all dogs are created equal; different breeds don't have different hereditary characteristics. "There is no dog born in this world with a predisposition to aggression," he firmly states.

"The pit bull is an innately aggressive breed, often owned by someone who wants an aggressive dog."

But he's wrong, and dead wrong if we're talking about pit bulls. All men may be created equal, but not all dogs. Says Katherine Houpt, director of the Animal Behavior Clinic at Cornell and author of *Domestic Animal Behavior*: "Different breeds have genetic predispositions to certain kinds of behavior, though that can be influenced by how they are raised. The pit bull is an innately aggressive breed, often owned by someone who wants an aggressive dog, so they're going to encourage it."

Pit bulls have been bred specifically to be aggressive. They're descended from the now-extinct old English "bulldogge," a big, tenacious breed used in the brutal early-nineteenth-century sport of bull baiting, in which rowdy spectators watched dogs tear apart an enraged bull. Victorian reformers, concerned about the coarsening effect bull baiting had on its devotees, banned it by the early 1830s, but enterprising bull baiters merely migrated to an equally bloody sport: organized dog fighting.

As Carl Semencic, author of several informative books on guard dogs, and a big pit-bull fan, describes it, the bulldogge owners made a striking discovery: "a cross between the bulldogge and any of the game [i.e., brave and tenacious] and relatively powerful terriers of the day produced a game, powerful, agile, and smaller, more capable opponent in the dog pits." These bull-and-terrier crosses became renowned for fighting prowess and soon were the only dogs used in organized dog fighting in England and later in the United States. To preserve the bull-and-terrier's pugnacious traits, the dogs were bred only to dogs of the same cross. Thus was born the pit-bull terrier, "the most capable fighting dog known to modern man," Semencic enthuses.

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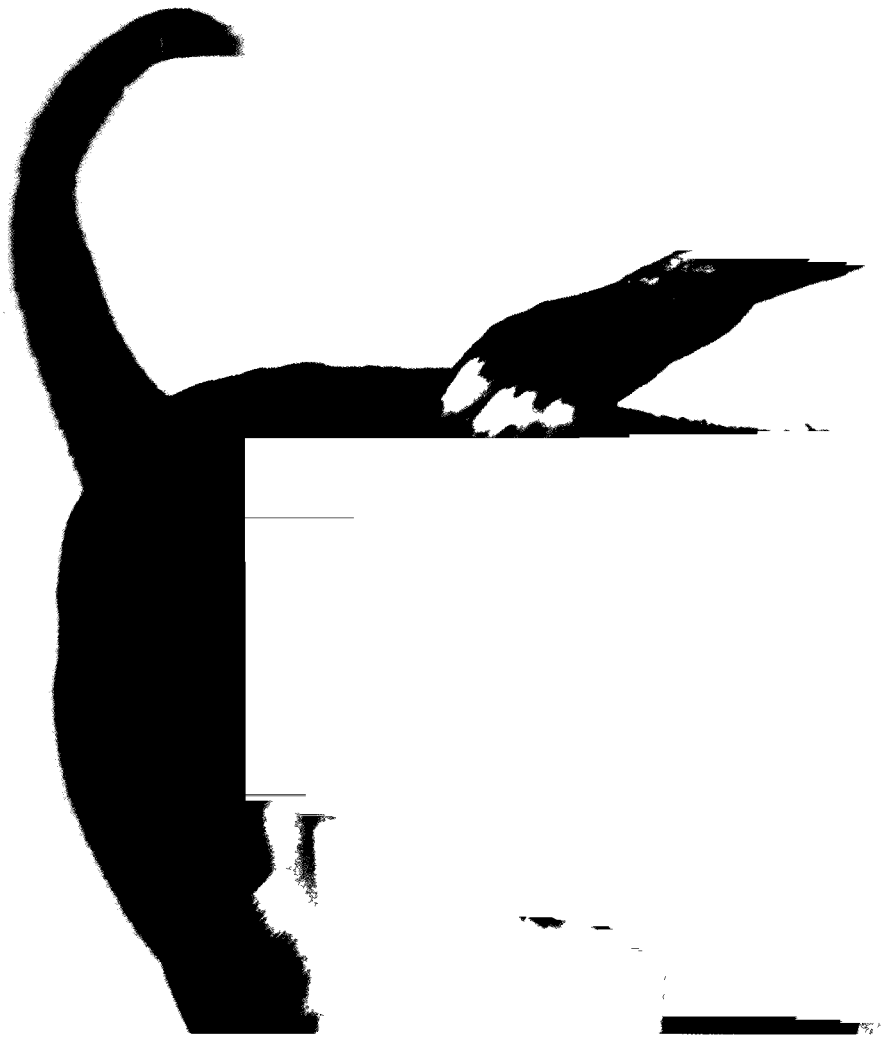
Though breeders, realizing the pit bull was an attractive dog when it wasn't scrapping, bred a less feisty version—the American Staffordshire terrier ("Pete" of the old *Our Gang* comedy series is a well-known representative)—the pit-bull terrier is first and last a fighting dog. Its breeding history separates it from other tough dogs like Doberman pinschers and rottweilers, which have been bred to guard their masters and their property. Pit bulls are genetically wired to kill other dogs.



ANDY HERNANDEZ/SIPA-PRESS

Pit bulls are genetically wired to kill other dogs.

The pit bull's unusual breeding history has produced some bizarre behavioral traits, described by *The Economist*'s science editor in an article published a few years ago, at the peak of a heated British controversy over dangerous dogs that saw the pit bull banned in England. First, the pit bull is quicker to anger than most dogs, probably due to the breed's unusually high level of the neurotransmitter L-tyrosine. Second, pit bulls are frighteningly tenacious; their attacks frequently last for 15 minutes or longer, and nothing—hoses, violent blows or kicks—can easily stop them. That's because of the third behavioral anomaly: the breed's remarkable insensitivity to pain. Most dogs beaten in a fight will submit the next time they see the victor. Not a defeated pit bull, who will tear into his onetime vanquisher. This, too, has to do with brain chemistry. The body releases endorphins as a natural painkiller. Pit bulls seem extra-sensitive to endorphins and may generate higher levels of the chemical than other dogs. Endorphins are also addictive. "The dogs may be

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junkies, seeking pain so they can get the endorphin buzz they crave," *The Economist* suggests.

Finally, most dogs warn you before they attack, growling or barking to tell you how angry they are—"so they don't have to fight," ASPCA advisor and animal geneticist Stephen Zawistowski stresses. Not the pit bull, which attacks without warning. Most dogs, too, will bow to signal that they want to frolic. Again, not the pit bull, which may follow an apparently playful bow with a lethal assault. In short, contrary to the writings of Vicki Hearne, a well-known essayist on animals who—in a bizarre

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but emotionally charged confusion—equates breed-specific laws against pit bulls as a kind of "racist propaganda," the pit bull is a breed apart.

Pit-bull expert Semencic makes a more sophisticated argument as to why pit bulls shouldn't be singled out for regulation. Pit bulls, he says, were bred not to be aggressive to people. "A pit bull that attacked humans would have been useless to dog fighters," he contends; "the dogs needed to be handled by strangers in the middle of a fight." Any dog that went after a handler was immediately "culled"—that is, put to death. But Semencic's argument assumes that the culling of man-aggressive dogs is still going on—which it isn't. As Robin Kovary, a New York–based dog breeder and pit-bull fancier, acknowledges, "Once the word got out, 20 years ago or so, to youths who wanted a tough dog to show off with, the breed passed into less than responsible hands—kids who wanted the dogs to be as aggressive as they could be." Geneticist Zawistowski gives the upshot: "Irresponsible breeders have let the dogs' block against being aggressive to people disappear. They've created a kind of pit bull with what I call 'undifferentiated aggression.' " A Milwaukee man learned this the hard way in January, when he tried to break up a fight between his two pit bulls and had one forearm ripped off and the other so badly mauled that doctors later had to amputate it.

Yet Kovary is at least partially right when she says, "It's the two-legged beast, not the four-legged one, we have to worry about." One needs nature *and* nurture to create a truly nasty dog. Raised responsibly, the pit bull's good side can come to the fore. "Pit bulls can be playful, intelligent, athletic, loyal, and useful in sports," Kovary explains. But pit bulls have become enmeshed in the brutality of underclass culture, magnifying the breed's predisposition to aggression. "In the wrong hands," Kovary warns, "pit bulls can be bad news."

Abundant evidence of owner irresponsibility is on display at the Center for Animal Care and Control (CACC), a nonprofit shelter that opened in late 1994 in the heart of Spanish Harlem, to take over New York City animal control from the ASPCA. Pit bulls are its biggest problem. More than 60,000 animals, half of them dogs, entered the shelter last year. According to CACC official Kyle Burkhart, "more than 50 percent of the dogs are pit bulls or pit-bull mixes—a huge percentage." That works out to 40 or so pit bulls a day, most of which have to be put down because of their aggressiveness. Waiting in the CACC's lobby, I got a firsthand look at the pit bull as a standard-issue accessory to underclass life: toughs in baggy pants and stocking caps paraded in and out continuously, negotiating to get their impounded dogs back or to adopt new ones.

Three distinct classes of irresponsible—or, more accurately, abusive—owners are the source of the CACC's flood of pit bulls. First are the drug dealers, who use pit bulls, or pit-bull crosses, as particularly vicious sentinels. New York City cops had to shoot 83 dogs to death in 1997, most of them pit bulls guarding drug stashes. Burkhart showed me a few such sentinels in the center's dangerous-dog ward. Lunging against their metal cages, these pit bulls were the most ferocious animals I'd ever seen: pure animal fury. "This one would bite my head off if he had the chance," Burkhart said of one Schwarzenegger-muscled dog, brought in from a police raid on a crack house. Intimidated, I kept as far from the cages as I could. "Some of the pit bulls coming in will actually have their vocal cords removed in order to surprise someone lurking around a crack house," Burkhart noted.

Dog-fighting rings also fill the CACC with abused animals. "Sometimes a raid on a dog-fighting ring brings us 20 or 30 pit bulls at a time," Burkhart tells me. The rings, moving clandestinely throughout the state, stage battles between pit bulls, sometimes to the death, as cheering spectators wager on the outcome. The dogs the CACC receives from the raids will often be missing ears or will bear deep scars from their battles. Manhattan Parks Commissioner Adrian Benepe isn't surprised at the savagery: "We regularly find dead pit bulls in the parks; on one occasion, we found eight pit-bull carcasses dumped in Riverside Park. They'd been killed fighting other dogs."

It's an unsavory crowd that participates, whether as trainer or spectator, in the blood sport, says ASPCA humane-law-enforcement officer George Watford. "The trainers preparing a pit bull for a fight throw a rope over a branch with a bag tied at the end; inside the bag will be a live cat," Watford explains. "You'll see a dog hanging from

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the bag, and it'll be a cat he's killing inside it, giving the pit bull the taste for blood." The spectators are just as bad, Watford says: "When we raid a ring, not only will there be shotgun-armed lookouts, but we'll search people and find drugs and weapons, and we'll always find people wanted for rape, murder, robbery charges."

Finally, the CACC gets pit bulls owned by teenagers and gang members—"young punks," Watford calls them—who raise the dogs to intimidate. "It's a macho thing," Watford says. "These punks will get into the typical park scenario, a 'my dog is tougher than your dog' thing, in which they let the dogs fight." I recalled a Bronx mother screaming at two teen lowlifes fighting pit bulls in the park in front of our apartment building. The teens, sporting military fatigues and shaved heads, ignored her and went on with their barbarous fun. Typically, these teens lose interest in their brutalized—and usually unneutered—dogs and let them loose, swamping the city with stray pit bulls.

"New York City cops had to shoot 83 dogs to death in 1997, most of them pit bulls guarding drug stashes."

What should New York City do about its dangerous dogs? One possibility: ban the pit bull, as England has done. Unfortunately, thanks to the 1997 state law nixing breed-specific legislation, such a ban would entail a difficult battle for state permission. And if the city bans the pit bull, what's to stop thugs from shifting to other breeds that can be made into weapons, such as the Canary dog or the Dogo Argentino? Outlawing them all would be an extremely divisive policy.

What about the city's idea of forcing pit-bull owners to buy pricey insurance policies? It makes little sense. Given that a paltry 10 percent of the city's dogs have licenses, only the law-abiding minority of pit-bull owners—not the louts who terrorize park-goers—are likely to comply with the new requirement, assuming it can get past the state objection to breed-specific laws. Moreover, those who wanted to comply would have a hard time finding an insurer. Though homeowners' policies generally cover dogs, few insurance firms will issue one to someone with a dangerous animal. Much sounder are the city's proposals to eliminate "provocation" as a defense for a dangerous dog's behavior and to pare away legal protections for dangerous dogs. As Cornell's Katherine Houpt underscores, "If a dog has bitten someone, we should consider it dangerous until proven otherwise. Who cares if a child has poked it with a pencil?"

The city's best course would be to require the owners of all dogs weighing more than 40 pounds to keep them muzzled in public, as Germany does with potentially aggressive breeds. A muzzle law is not unduly harsh to the dogs. As for its impact on owners: sure, it might diminish the thrill a tough gets as he parades his pit bull down a crowded sidewalk and nervous pedestrians give him a wide berth. And that would be all to the good.

As Mayor Giuliani and Police Commissioner William Bratton discovered when they prosecuted nuisance crimes like public urination or public drinking and helped restore civic order, Gotham can do a lot of good simply by enforcing laws already on the books, as Parks Commissioner Stern is doing with the leash law. New York makes little effort, for example, to ensure that its dogs are licensed, though the law requires it. The Canadian city of Calgary, which had a problem with dangerous dogs in the eighties, halved aggressive incidents through strict licensing enforcement: it let officials keep computerized records of complaints against individual dogs and impound them or require them to wear a muzzle if they posed a clear threat to the public. Eighty percent of Calgary's 100,000 dogs now have licenses; 90 percent of New York's 1 million dogs don't. The city should step up licensing enforcement.

These measures would strike a prudent balance between the enjoyments of pet owners and the city's responsibility to protect its citizens and keep its public spaces from going to the dogs. ■

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How Gotham's Elite High School

Stuyvesant, Bronx Science, and Brooklyn Tech are everything the public school system has mistakenly tried to eradicate.

Heather Mac Donald

New York City brags to the world about its excellences—its peerless business expertise, its world-class restaurants, its unparalleled sophistication, its renowned monuments—but about one rare treasure, a set of elite, over-achieving public high schools, it remains largely silent. The Bronx High School of Science, Stuyvesant High School, and Brooklyn Technical High School have nurtured nine Nobel laureates, hundreds of Westinghouse Science Talent Search winners, award-winning biologists and astrophysicists, astronauts, inventors, and captains of commerce. The Ivy Leagues clamor for their graduates, virtually all of whom attend college. Their daily attendance rate runs at 95 percent and higher. These schools are everything the rest of the public education system is not: its reverse image, they are the positive to its negative.

Why, then, hasn't success-crazed New York trumpeted these schools with as much fanfare as it expends on the Yankees or the New York Stock Exchange? Simple: they embody one of the most odious concepts in contemporary education—elitism. Because they have preserved, by a lucky historical fluke, a century-old admissions system based solely on merit, they are a horrible embarrassment to New York's educational and public-sector establishment, wedded as it is to the philosophy of the lowest common denominator.

Left to its own devices, that establishment would long since have subjected the three exam

PHILIP GREENBERG/NEW YORK TIMES

An anxious New York ritual: waiting for the entrance exam at Stuyvesant.

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Escaped the Leveller's Ax

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schools to the same levelling forces by which it has ground down the rest of the education system. Instead, it is forced to erode them more slowly, by mindless bureaucratic regulation and the irritating friction of teachers' union rules. The recent history of the exam schools—the bitter battles fought to preserve their excellence—perfectly mirrors the decline of educational elitism in New York, to the great detriment of its entire civic culture.

During the nineteenth century, elite high schools, many modeled on the colonial-era Boston Latin School, sprang up across the nation. As part of this movement, within the first three decades of the twentieth century, New York created Stuyvesant on Manhattan's Lower East Side, Brooklyn Tech in Fort Greene, Townsend Harris Hall on the campus of the City College of New York, and Bronx Science in the northwest Bronx—all to provide unlimited educational opportunity to any New York pupil qualified to take advantage of it, including the most talented children of the city's multitudinous new immigrants.

These new schools were intensely disciplined and highly selective, with admission based on a written exam of math and reading skills. Townsend Harris, the most elite of all, and the only one not focused on math and science, condensed four years of high school into three, after which its students automatically gained admission to City College. The workload was huge. Author and journalist Dan Seligman, a 1941 Townsend Harris grad, recalls having to get up at midnight to work on his homework till 4 AM. "Adding to my despair," he has written, "was an observation that some of the adjacent geniuses seemed to be racing through their homework during the lunch hour." The workload at the schools today is not much lighter. At Stuyvesant, the saying goes that you can choose any two of the following three items: grades, friends, or sleep.

The curriculum was inflexible: students at the science schools took math and science every year. Psychoanalyst Yale Kramer, a 1947 graduate of Brooklyn Tech, says of the rigid requirements, "You went to Brooklyn Tech and didn't ask questions." The intense focus quickly paid off—one of the boys in Bronx Science's first graduating class in 1941, Roy Glauber, went directly to work on the Manhattan Project, without an intervening spell at college. Within its first 12 years, Bronx Science would graduate four of its five Nobel prizewinners; by 1993, it had produced 50 percent more Westinghouse Science Talent Search winners than any other school in the country.

Then, as now, the students made the schools. Specialized facilities were nice, where they existed, but not essential; Stuyvesant achieved wonders in a wreck of a building for decades before it moved to its sumptuous new $150 million Battery Park City facility in 1992. But the students were a constant, and they created an environment of high competition and high achievement, spurring one another on with their intellectual enthusiasms and adolescent one-upmanship. Explaining Stuyvesant's present exalted status as an achievement hothouse, principal Jinx Cozzi-Perullo refuses to take credit: "This is not a model we create," she contends. "The kids come in with a need to excel."

This concentration of talent has always unsettled more than a few outsize egos. "I was used to thinking of myself as superior," recalls Seligman with amusement, "but at Townsend Harris, I was just average." That remains the effect of the schools today. Says Milton Kopelman, principal of Bronx Science from 1977 to 1990: "Students come in as big shots, only to realize that they're not the smartest kids in the world. It has a humbling effect."

For their first half-century, these New York schools epitomized American meritocracy. Gene Lichtenstein, a 1948 Bronx Science graduate, told the *New York Times Magazine* in 1978: "It seems naive today, but Science was perceived then by parents and teachers as the embodiment of the American Dream, meritocracy at work. . . . For those accepted, the future could be open and unlimited, despite income and family origins. It was all dependent on performance." The key phrase here is: "It seems naive today. . . ." Between 1948 and 1978, the world around Bronx Science and the other exam schools changed utterly. In 1948, young Lichtenstein did not have to apologize for the view that a selection system based purely on ability was a supreme social advance over class, race, or reli-

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gious privilege. When that meritocratic system proved to select some groups in higher numbers than others, however, its former proponents, including Lichtenstein and many other members of the country's elites, grew uneasy.

In a possible early harbinger of official discomfort with intellectual elitism, Mayor Fiorello La Guardia declared his intention in 1941 to shut down Townsend Harris Hall. La Guardia cited budgetary pressures and the need for space to house a new City College business school, now Baruch College. Parents and teachers waged a fierce legal fight to preserve the school. Among their allies was the *New York Times*, which had not yet decided that merit was a code word for bias. The *Times*'s arguments recall a remarkably different world. The paper lauded the school's "rigid entrance requirements" for creating a "homogeneous group of able students." The "most widely admitted defect in our school system," the *Times* pronounced, "is that the highly gifted are frequently held back by the dullards. Townsend Harris is the one high school where this obstacle is not permitted to arise." Such arguments, however, did not carry the day, and in 1942, the Board of Higher Education closed the school. (In 1984, alumni resurrected Townsend Harris on the Queens College campus with a looser admissions policy, but it remains an excellent school.)

"One of the boys in Bronx Science's first graduating class went directly to work on the Manhattan Project."

It wasn't until the 1960s—a time when the ideal of equality of opportunity gave way to demands for equality of results—that a sustained assault on educational meritocracy began in earnest. The first sally came during the 1968 Ocean Hill–Brownsville disturbances, in which black activists demanded "community control" over schools, sparking the bitterest teachers' strike in the city's history. Among the activists' many demands was the conversion of the three science schools to community schools, open to all. That demand failed, but it had an impact. The schools agreed to expand a newly created affirmative-action program, called Discovery, for students who scored below the cut-off point on the entrance exam, despite worries among some faculty that the modest program was bringing in too many unprepared students.

Less than three years later, in January 1971, a direct challenge rocked the exam schools. The superintendent of Community School Board Three on Manhattan's West Side, Alfredo Mathew, charged that the admissions test at the Bronx High School of Science, then the most academically selective school in the country, was "culturally biased"—a dubious allegation—and worked to "screen out" black and Puerto Rican students. Mathew's board demanded that the schools chancellor abolish the admissions test and admit students solely on the basis of recommendations; it threatened a lawsuit if he didn't.

Though the principal of Bronx Science, Alexander Taffel, properly defended the entrance tests as both culturally neutral and essential to the school's mission, schools chancellor Harvey B. Scribner was far less certain of the school's good faith and freedom from bias. To the horror of Bronx Science supporters everywhere, two days after Mathew's demand, Scribner appointed a commission to study the admissions tests at all the selective schools, explaining darkly: "I have discovered enough to raise serious questions." Showing that he was a man of the times who had moved beyond an easy naïveté about merit, he announced that "any test of academic achievement tends to be culturally biased."

Scribner's apparent acquiescence in the attack produced a wave of fear among the schools' supporters. When admissions notices for that year were delayed, rumors flew that Scribner was manipulating the process in order to produce a more acceptable racial mix of students. Bronx Science's faculty, parents, alumni, and friends

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How Gotham's Elite High Schools Escaped the Leveller's Ax

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FRANCES ROBERTS/NEW YORK TIMES

An international bridge-building contest at Bronx Science.

formed a council to save the school from destruction. They got the attention of two Bronx state legislators, Senator John Calandra and Assemblyman Burton Hecht. Hecht and Calandra accused the schools chancellor of "the most insidious attack thus far upon the finest educational school in New York City." Scribner's attempt to "destroy these schools must be stopped immediately," they proclaimed.

The two legislators introduced a bill to enshrine in law the admissions test. Lining up against the bill were, predictably, the Board of Education, the State Regents, Mayor Lindsay's administration, and, now, the *New York Times*, which had recently shed its elitist principles. In an about-face from its stand in the Townsend Harris controversy, the newly egalitarian *Times* accused the Assembly of "petrifying" the high schools and announced that nothing should be "sacrosanct" about the exam schools. Whereas the Townsend Harris–era *Times* had lauded selective admissions, the 1970s *Times*, speaking through education reporter Fred Hechinger, trivialized selectivity in admissions as an easy way for schools and colleges to look good. Turning the usual argument against admissions tests on its head, Hechinger claimed that they were *too* good at predicting success, thus giving schools and colleges a too easily educable group of students.

The *Times*'s scorn had little effect on the state legislators, however. After passionate debate in the Assembly, both legislative houses passed the bill, in May 1971. Though the Hecht-Calandra bill seemed to have given the exam schools lasting protection against New York's strengthening levelling tendencies, their students took nothing for granted. Matthew Bram, a 1974 Stuyvesant grad and now a software developer in New York, recalls that throughout his four years at Stuyvesant, the "concept loomed over us—the city will yank the school out. We were terrified." For Bram, losing Stuyvesant would have meant going to Brandeis High School on Manhattan's Upper West Side, known variously as "the Drugstore" and "the Gauntlet," he recalls. "I would've dropped out of high school rather than go," he says.

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Bram remembers disparaging comments about Stuyvesant as the "free prep school for Jews" and a "privileged little ivory tower." He rejects the charge of privilege. The typical neighborhood high school had far better facilities than Stuyvesant's decaying building on East 15th Street, he recalls. "Chalk and blackboards were our only facility," Bram maintains. "The only thing Stuyvesant offered us was a wall to protect us from the rest of what the city offered in high school." Within that wall, students flourished. "We were only there to learn; it was a joy," Bram says. "We would stop each other in the halls to argue about astrophysics and existentialism."

After having been foiled by the Hecht-Calandra bill of 1971, New York's official animus against anything smacking of "elitism" grew stronger and more implacable, largely for reasons of racial politics. Gotham was far from unique in this respect: in 1975, a federal judge imposed racial quotas on the legendarily demanding Boston Latin School, causing standards—in the opinion of some faculty—eventually to loosen, and in 1983 another federal judge, after finding San Francisco's Lowell High School too Asian, saddled it with a Rube Goldberg set of race-based ceilings on admissions. New York fortunately managed to stay out of the clutches of the courts, but in 1986 its Board of Ed turned against a set of eight mildly selective and very popular high schools. These so-called educational-option schools chose 25 percent of their students from eighth-graders reading above grade level, 50 percent from those of average ability, and 25 percent from children reading below grade level—not exactly an exclusive formula. But to the Board of Ed and other loud levellers in the city, 25 percent of above-average students was far too many. The schools' fatal error? They were succeeding. Explained Margaret Nuzum, head of the Educational Priorities Panel, an influential watchdog group, the option schools have "an aura of being selective. . . . There is a sense that this is a better school to be in."

Weighing in on the controversy, then-Manhattan borough president David Dinkins succinctly expressed the levellers' philosophy in a letter to the *New York Times*. Those who say, " 'Don't change our schools, make the others better,' " he wrote, "fail to see that the two systems are inextricably linked; each exists, in part, because of the other." This fatal zero-sum logic has been utterly destructive for cities, including New York. If a school or business excels, it raises the sum total of a culture's assets. Zero-summers, however, see accomplishment as a sign of unfair advantage that necessarily rests upon the exploitation or oppression of others. In this view, the only just society is one of uniform mediocrity, for as soon as someone excels, someone else by definition has been harmed. Zero-summing in education means that the only way to improve the low-achieving schools is to pull down the high-achievers, an agenda inimical to the middle class.

Ultimately, the Board of Education purged the educational-option schools of any possible taint of "elitism" by narrowing the top and bottom bands of students and requiring half of all admittees to be selected at random. Thereafter, it would be nearly impossible for a school, other than the exam schools, to select for academic talent. From now on, students who had never bothered to do their homework would have the greatest chance of admission to some of the city's most popular schools, since far fewer low-achieving than high-achieving students apply to them. The *Washington Post*'s Jonathan Yardley astutely identified the implicit message of the Board's latest levelling action: in a predominantly minority school system, lower standards are "fairer" standards. "We assume that the only way to make schools genuinely democratic," Yardley wrote in disgust, "is to make them genuinely inferior."

Since 1986, the Board has stayed its lowest-common-denominator course. When the federal Education Department's Office of Civil Rights announced an investigation of the city's grade-school gifted and talented programs last year, it got no protest from city education bureaucrats, who have been chipping away at the gifted programs for years. The Board of Ed's head of high schools explained the Board's philosophy to *New York* magazine last year. If schools are to improve, said Margaret Harrington, "you don't talk about your best and brightest, you talk about your bottom. . . . As you raise your bottom, everyone goes up. . . . We believe that all children should have

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access to every program and that every school should educate all children." Judith Tarlo, director of high-school support services, is more blunt: "We are about access and sharing the wealth"—not primarily academic excellence.

Now, decades of research by the anti-tracking lobby have failed to prove Harrington's claim that focusing on the bottom makes everyone go up, and simple logic suggests otherwise. Moreover, it is absurd to maintain that by high school every child can benefit from, say, the advanced college physics offered by the science high schools. Following this determined egalitarianism to its logical conclusion would turn New York into another Detroit or Philadelphia, from which the middle class of all races has largely bailed out.

Despite the Board's militant anti-elitism, some at the city's selective science schools feel blissfully sheltered by the Hecht-Calandra bill. "You can take us to court, you can yell and scream—given the bill, you can't do anything!" gleefully rasps Stan Teitel, the chairman of Stuyvesant's physics and chemistry department. Teitel is one of the school's most unapologetic meritocrats. "I don't care if your mommy or daddy knows the superintendent of the borough," he exclaims. "I don't want to know anything else—no portfolios, not any of the other crap—all I want to know is what's upstairs. If you've got it, I will work with it."

"We assume that the only way to make schools genuinely democratic is to make them genuinely inferior."

But Teitel's confidence regarding Stuyvesant's protected status may be misplaced. Board of Ed bureaucrat Margaret Harrington's credo that "every school should educate all children" is a direct challenge, whether intentional or not, to the three science exam schools. Yes, the Hecht-Calandra law is a major roadblock to the Board's interference, but that does not mean the bureaucracy has given up. "We're always thinking about [the admissions policy]," says the Board's Judith Tarlo.

The Board's school-funding formulas reflect its determination to treat excellence and failure alike—at best. The state distributes its education money to city school administrations based on attendance rates, but in turn New York City distributes those dollars to individual schools based on their enrollment—and these two numbers can differ dramatically. Schools with high attendance figures—all of the selective schools and some others—bring extra money into the system that they don't get back. "If a school generates a lot of revenue because of increased attendance," explains Neil Harwayne, the Board's director of finance, "it still gets the same amount of money [as a school with huge truancy problems]. Otherwise, you would have greater funding in desirable school districts." Nothing wrong with that, you might say; but in fact the selective schools get a lot less funding than other schools, since they rarely qualify for the federal special-education money and remediation money that pours into failing schools, along with dollars for dropout prevention, anti-teen pregnancy, and anti-gang programs. The selective schools used to receive additional funding based on the high number of courses their students take each day, but the Board eliminated that "elitist" formula over a decade ago.

It is a gauge of how deep the hostility runs in New York toward pure meritocracy that even some administrators within the selective schools are ambivalent about them. Steven Shapiro, chairman of the Stuyvesant English department, puts his head back and thinks long and hard before replying to the question of whether he would create Stuyvesant again. "I really don't know," he says slowly. "My heart lies with the poor kids of the city; you can't skim all the kids off. I don't like skimming at all." Shapiro concedes that some kids can accomplish "great things when you put them in a place where they have great mentoring" (though it is not the "mentoring" but the concentration of bright kids that makes the exam schools work), but his support seems anguished.

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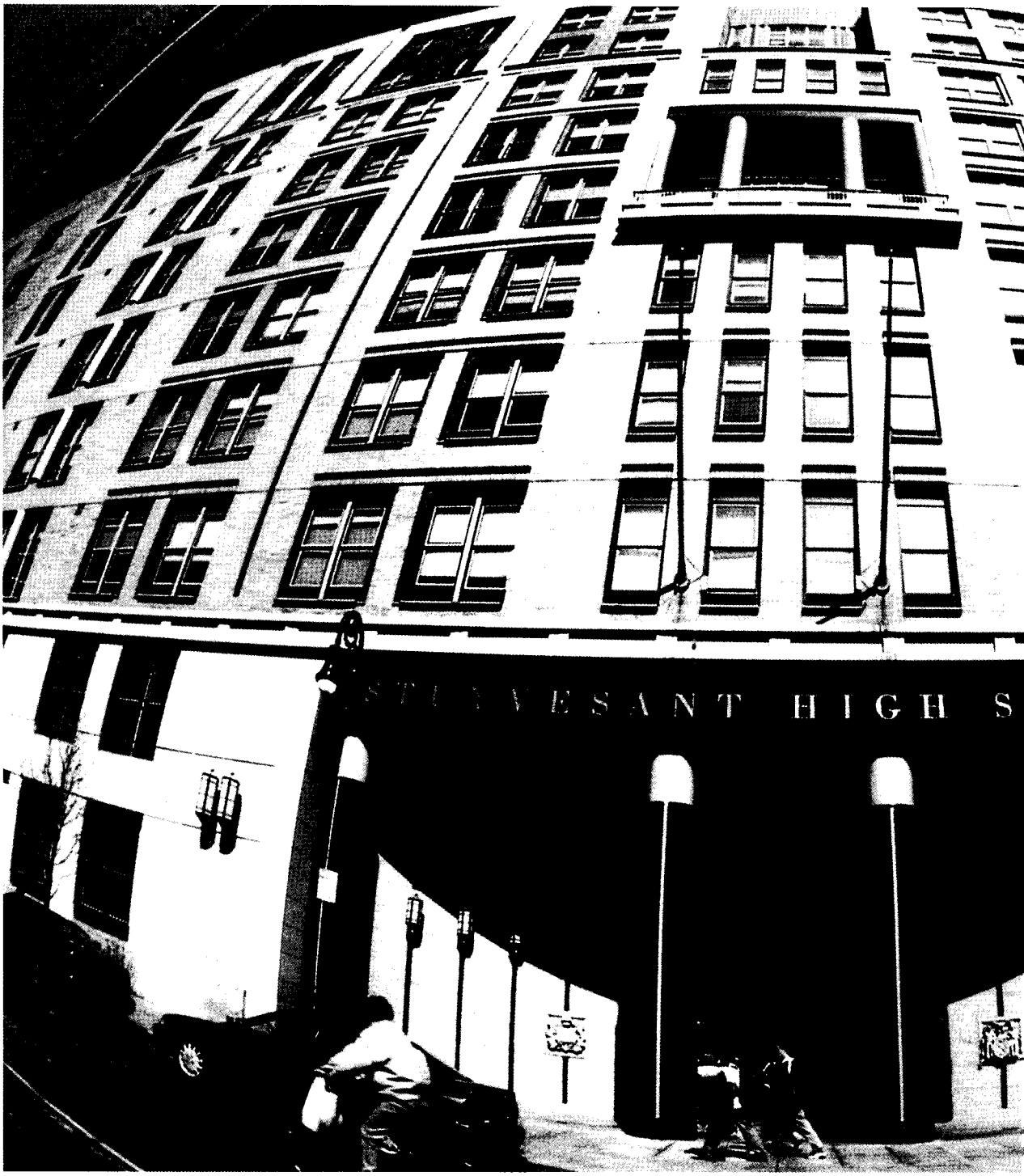

STEVEN FREEMAN

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Nor do the selective schools' administrators generally support the creation of more such schools. Though sheer historical accident has given New York three selective science high schools, rather than four or two or five, the principals seem to have concluded, like Goldilocks, that three is just the right number. "It's a difficult question whether to carve out more schools," says Bronx Science principal Stanley Blumenstein. "If you dilute the pool too much by taking kids who are not truly gifted, you change the makeup of every classroom and hurt education as a whole." Then why not dismantle the existing schools? Well, their students are different. "For kids at the upper end, their needs are not met by general schools."

Blumenstein is making a classic "anti-creaming" argument. Every school needs academically excited children to motivate the others, the argument goes, so the smartest shouldn't be skimmed off and put in separate schools. But surely it is the teacher's responsibility, not the students', to inspire the laggards. If an academically motivated student would reach his fullest potential in an environment of his peers, it is educational exploitation to deny him that environment in the hope that he will kindle the interest of academically uninspired students.

Certainly, thousands of New York families—and ex–New York families—subscribe to that sentiment. Every year, approximately 21,000 students take the entrance exam for approximately 2,500 entering seats in the science schools. The desperation on their parents' faces as they await their children after the exam is a New York legend. The science schools represent tiny islands of achievement in a vast sea of mediocrity or worse. But because the demand for a decent education is so great, the schools have started attracting more and more students without any particular interest in science, thus watering down their mission.

Demand not only at the exam schools but at every school with a reputation for excellence is overwhelming. Other high-achieving schools, such as Townsend Harris in Queens and Midwood High School in Brooklyn, receive applica-

Stuyvesant's new $150 million home

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tions in numbers many magnitudes higher than they have seats. Many parents don't wait around long enough to see if their children will get a coveted place. According to Manhattan city councilman Gifford Miller, young parents in his district regularly leave the city, fearful of the mediocrity that awaits their children in high school. These striving families take their tax dollars as well as their children with them, shrinking the city's middle class.

But the Board of Ed is remarkably blasé about losing children to the suburbs. "It's not that easy to leave the city by the time your kids are high-school age," asserts Dorothy Kuritzkes, executive assistant to Margaret Harrington. True—but nothing prevents them from leaving earlier. Kuritzkes agrees that high-achieving students can motivate one another but does not see it as the public schools' mission to make that happen: "The private schools can do that," she says breezily.

The only unequivocal group of meritocrats left in the selective schools are the students themselves. When asked about protests against the schools waged annually by Acorn, a left-wing community-organizing group, the students are almost uniformly dismissive. "I can't understand how you could make a test fair to certain races," scoffs Vivian Chau, a Stuyvesant senior and vice president of Arista, the school's honors and public-service society. "The Acorn protest was so silly, because our school has a majority minority population—in most books, being an Asian is a minority." Stuyvesant senior Danielle Stewart recalls that students were yelling at Acorn, "Go back to your own schools!" "It was *so* annoying," she says, "because we were taking the AP [Advanced Placement] tests. I was, like, how *dare* you come into our school? Even the black kids were, like, '*I* got in; what's *your* problem?'"

But though the science schools have largely withstood the levelling onslaughts against them, they are succumbing to other pathologies in the school system—above all, to crippling teachers' union rules. The union's powerful grip on secondary education has only strengthened in recent years. "The union protects bad teachers, not good ones," sighs Steven Shapiro. Exam-school parents almost universally complain about poor teacher quality, about which most have grown fatalistic. "Some of the teachers were so bad, we were amazed that they have any job," says Tory Brand, mother of a Stuyvesant junior. "I thought Stuyvesant would have had the power to weed them out. Once I got over that, it helped a lot."

The litany of parents' and students' complaints will be familiar to anyone with even the faintest knowledge of the public schools: teachers who fall asleep during class, teachers who don't show or always come late, teachers who spend the period talking about their family, teachers who never cover the material. "In some classes, I had to teach myself everything," recalls Stuyvesant senior Danielle Stewart, who has a 97 average. Principals and department chairs know who the burned-out, incompetent teachers are just as much as parents and students do. When I asked to sit in on the class of a Stuyvesant history teacher whom parents view as a madwoman, Shapiro shot back: "That's not a good idea; that's not somewhere you should go." The students, of course, have no choice.

Administrators face the standard public-school dilemma: they can spend all their time compiling the lengthy record needed to try to lift the tenure protection of one rotten teacher, or they can use their energies to groom more promising new teachers. "It's a difficult position to be in; you do what you can," reflects Stuyvesant's Stan Teitel.

Frustration with the union straitjacket recently led Stuyvesant's principal Cozzi-Perullo to announce her resignation, just four years after she took over the most coveted principal's job in the city. "To change the schools in New York," she says bluntly, "you need the power of only two things: the ability to hire and fire at will, and the money to reduce class size." Her parting should sound an alarm throughout the city, and at least one additional fed-up principal of one of the city's better high schools predicts that he will follow her.

Another threat to the exam schools is the growing influence of progressive pedagogy. The three schools have become schizophrenic—most science and math classes provide a journey back 40 years, where, *mirabile dictu*, the teacher still teaches; but

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the humanities are fast junking such traditional practices for the babel of "student-centered learning." In many advanced physics and calculus classes, an almost audible silence surrounds the teacher's words: it is the sound of students thinking very hard. Even where a student presents a lesson, as in a class on molecular genetics that I visited at Stuyvesant, the teacher actively directs the questioning and conveys hard information.

Yet that may be changing. All the schools are trying to reduce lecturing in math and the sciences in favor of "inquiry-based"—that is, student-centered—group learning. Their model: classes like Steven Shapiro's highly popular twentieth-century literature course, "Crisis in Values." One student begins talking; he then calls on the next, who calls on the next, and so on. Except for occasional brief interventions, the teacher stands silent. But however clever Stuyvesant students may be, they lack the knowledge to move a discussion, say, about whether young late-nineteenth-century Britons worked less or more than young Americans today and were less emotionally mature—nominally drawn from D. H. Lawrence's *Sons and Lovers*—beyond mere ungrounded speculation. Surely a teacher possesses knowledge about literature and its context that he could usefully transmit to students. But such a view violates fundamental progressive beliefs about the "constructed" rather than received nature of knowledge. As one enthusiastic young English teacher at Bronx Science, a recent graduate of Columbia Teachers College, explained: "The students are not here to get it from me; they're so bright, it's a sin not to have them teach each other. I'm here to facilitate, not feed them."

Student-centered learning is not what alumni of the science schools mean when they say that they taught one another. They may have spurred one another on and shared what knowledge they had; they were not literally in charge of the intellectual content of a classroom.

"Some of the teachers were so bad, we were amazed that they have any job, says the mother of a Stuyvesant junior."

Consistent with progressive dictates, the science schools don't give their students rigorous instruction in grammar—which the kids crave and, according to parents and some teachers, desperately need. Even principals acknowledge the problem: "Kids are coming out of elementary school less prepared in writing," says Stanley Blumenstein, with considerable understatement. "It's the endemic problem of the nineties." But don't count on the schools offering them formal grammar instruction any time soon. "Research in the field of English language arts," Blumenstein insists, "shows that it is more effective to learn grammar in the context of a lesson, in an ad hoc manner." Well, the results speak for themselves—the less grammar is taught, the worse student writing becomes.

Despite their shortcomings, the exam schools continue a tradition of excellence. Rather than merely tolerating their existence, the city should ensure that they live up to their potential by giving them control over their staff—a reform every New York school deserves. And New York should create more schools for high-achieving students. The new state charter-school law foolishly prohibits charter schools from selecting their students, a limitation that reflects, once again, the educational and political establishment's terror of anything that violates egalitarianism.

New York exists, however, to be a stage for the world's greatest musicians, actors, financiers, chefs, and designers—why not also for the greatest students? "Come to New York and win an Intel Science Talent Search scholarship," ads aimed at persuading out-of-staters to move to the city could read. Intellectual elitism was for decades a source of pride in New York; once that ideal became a target of resentment, the city lost one of its most powerful economic and cultural engines. ■

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Free to Strip?

Richard E. Morgan

Opponents of Mayor Giuliani's campaign to close sex shops say it violates the First Amendment. They're wrong: it doesn't.

From the drumbeat of criticism, you'd think that something Orwellian had gripped Mayor Giuliani's New York. "His vision is . . . authoritarian, repressive, and antithetical to our rich tradition of tolerance for the right to protest and dissent," thunders New York Civil Liberties Union executive director Norman Siegel. Rumbles self-styled First Amendment lawyer Floyd Abrams: "We're talking about constitutionally protected speech. You can't drive them out of town." Echoes Kathleen Camuti, a bar owner from Queens: "This is not a free state anymore."

Are newspaper offices being padlocked, or political dissidents herded onto buses for New Jersey? Is an avant-garde publishing house being closed? No: all this fuss is over 100 or so "sex shops," where people take off their clothes, gyrate, and reveal body parts usually kept covered in civilized society. But while the fate of a few tawdry bars and peep shows may not appear a matter of mighty consequence, the legal battle in which the city has been caught up in its attempt to regulate them has taken on epic proportions—albeit a rather comic epic.

Rudolph Giuliani came to the mayoralty understanding one very big thing that had eluded his immediate predecessors—that to reduce crime and reverse the infamous decline in the city's livability, little things counted. He had absorbed the broken-windows thesis of George Kelling and James Q. Wilson—that low-level disorder and vandalism drive law-abiding people from the streets and encourage more serious offenders—and he grasped the implications of Nathan Glazer's famous 1979 article that showed how subway graffiti induced fear in riders by sending the message that "no one is in charge down here." Giuliani put this understanding to work in his crackdown on quality-of-life crimes and his campaign for civility in public places.

It also moved him to take on the pornography business. Neighborhood decline accompanies sex joints just as surely as it does broken windows and graffiti. The associated prostitution and rowdiness are bad enough, even putting aside the assault on public morals—a subject of no concern to carousing college students or conventioneers, but crucial to families trying to raise children on the block.

For decades, the chattering classes have been instructing government in America not to take pornography seriously: relax, who's to judge, don't be a Mrs. Grundy. But Giuliani knew that commercial sex was one of the little things that counted, and in 1995 he secured passage of a new law barring "adult establishments" from operating in purely residential neighborhoods, within 500 feet of residential buildings or schools—or within 500 feet of one another, to ensure that, even within the commercial and manufacturing areas where they could legally operate, sex shops could not cluster

Illustrations by Arnold Roth

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WALNUT STREET THEATER
SALOME SPEAKS
SHOWS A LOT, TOO!
BASED ON THE NEW TESTAMENT AND THE BRAND-NEW FIRST AMENDMENT SO THERE
Ye BILL of RIGHTS

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into red-light districts, like the old Boston Combat Zone. The law defined an "adult establishment" as one that devoted a "substantial portion" of its operation to "adult entertainment," and offenders had a year to comply.

Instead, they rushed to the courthouse in today's familiar fashion, and then they fell back on a series of delaying actions that finally careened off into the absurd—the kind of things conceivable only in an out-of-control legal subculture. First, they enjoined the city from enforcing its law during a tortuous trip through the New York courts, with a trial, appeals, and finally, in February 1998—almost three years after the legislation's adoption—a 6–0 decision from the State Court of Appeals that cleared the law on both state and federal constitutional grounds. Deputy Mayor Randy Mastro declared the city ready to begin enforcement.

But wait: now came the trip through the federal courts. For although the Court of Appeals has the last word regarding the New York Constitution, perhaps a federal forum might overturn its analysis of the U.S. Constitution's free-speech requirements. So three days later, Judge Miriam Goldman Cedarbaum of the Federal District Court in Manhattan ordered the city once again to cease enforcement while she determined if any First Amendment stone had been left unturned. And when, three weeks later, she declared herself satisfied and prepared to dissolve her restraining order, lawyers for the sex shops and the NYCLU (purporting to represent sex-shop *customers*) walked down the hall to the U.S. Court of Appeals for the Second Circuit, and a three-judge panel of that body issued its own order against the city, pending a full hearing. At that hearing, two months later, sex-shop lawyers argued that the zoning law did not leave sufficient place in the city for their clients to operate, and that the law's real purpose was to drive the sex shops out of business. Judge José Cabranes announced that the order blocking enforcement would remain in effect until his panel ruled. It did so a month later, on June 3, holding that the New York Court of Appeals had adequately examined all the free-speech issues and that enforcement could "begin forthwith."

Victory? Not quite, because under federal court rules the panel's decision would not become official for 21 days—enough time for the sex-shop lawyers to request yet another stay while they petitioned the full Second Circuit to rehear their case. They also asked U.S. Supreme Court Justice Ruth Bader Ginsburg to issue her own stay while they prepared an appeal to her court. On July 22, both Justice Ginsburg and the Second Circuit turned down any further extensions, and in January of this year the full Supreme Court formally declined to take up the case.

"One tactic was to rearrange floor space so that the owner could claim that only 40 percent was for pornography."

So as of July 1998 the legal maneuvering—what people like Harvard law professor Alan Dershowitz call "creative lawyering"—was effectively over, right? Alas, no. Sex-shop lawyers started all over again in New York City's trial courts. The arguments were no longer constitutional, but rather involved a host of dodges on the part of individual pornography businesses to keep the law—now, at last, actually being enforced—from being applied to them.

One tactic was to rearrange floor space so that the owner could claim that only 40 percent was for pornography, the rest for tourist trinkets or classic films. Since the law defined an "adult establishment" as one "predominantly" devoted to adult entertainment, less than half smut must mean you were exempt. City inspectors went in to measure; lawyers for the owners raced to Justice Stephen G. Crane, in Manhattan, to claim that their measurements were better. City inspectors went back to measure more carefully, to the point where buildings commissioner Gaston Silva reported that "some of the wives of the inspectors have been complaining. They don't like this duty for their husbands."

Bronx Justice Douglas E. McKeon allowed El Coche, a club in his borough, to reopen after its

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owner promised to clothe his performers in bikinis. City lawyers warned of a likely relapse into fully nude dancing, but the judge ruled that "they are entitled to an opportunity to comply" and said that he might visit to check. Craftier still, Ten's World Class Cabaret on East 21st Street announced that it would admit minors, if accompanied by adults, prompting Justice Crane to rule that "Ten's cannot be defined as an adult . . . establishment if it does not exclude minors." Understandably, the mayor exploded, calling this "one of the jerkiest rulings" he had ever seen and sending the City Council to fix the law. But as lawyers quickly realized, changing the key descriptive term in the law—"adult"—would open a revised law to renewed constitutional challenge and could take the entire process back to square one. So Ten's continues to flourish. Though some smaller places have closed, and others have relocated to approved zones, Gene Eckstein, owner of Wild Wild West in Sunset Park, Brooklyn, sums up the situation to date: "In Manhattan, you've got all the places still basically open; why would they come down here?"

"Neither Madison nor any of the other most ardent advocates of free speech thought all speech absolutely protected."

Why is the mayor trying to clean up the porn mess with a toothbrush, attacking the obvious evil of commercial sex joints with a zoning ordinance? Why not simply prohibit the live or pictorial display of sex acts and body parts for money, period? The answer, chorused immediately by the Civil Liberties Union, the assorted "First Amendment lawyers," the judges involved in the case at all levels, and even, grudgingly, by the mayor himself, is that "the Constitution of the United States forbids it."

But all the participants who have gone to law school, or have the thinnest acquaintance with American history, know that this is nonsense. The Constitution prohibits government from "abridging freedom of speech or of the press." We know a great deal about what this meant to the Founders. They sought to protect free speech because it was essential for republican government. Without political debate, without the freedom to criticize officeholders and mount effective opposition to them, self-government through representative institutions would be strangled. Thomas Erskine, a great English lawyer, expressed perfectly the late eighteenth-century liberal understanding of free speech, calling it the capacity "to address the reason of the nation on questions of Policy and the Constitution."

For the founding generation, thinking about free speech began with the prohibition of "prior restraints." As Sir William Blackstone put it in his *Commentaries of the Laws of England*, a book the American Founders greatly valued: "To subject the press to the restrictive power of a licenser, as was formerly done . . . is to subject all freedom of sentiment to the prejudices of one man and make him the arbitrary and infallible judge of all controverted points." But, Blackstone continued—in a vein the Founders endorsed—that didn't mean that a person could publish anything he liked with impunity. On the contrary: "to punish (as the law does at present) any dangerous or offensive writings, which, when published, shall on a fair and impartial trial be adjudged of a pernicious tendency, is necessary for the preservation of peace and good order . . . the only solid foundations of civil liberty." This is the understanding reflected, for instance, in the Delaware Constitution of 1792 (the year after the ratification of the federal First Amendment): "The Press shall be free to every citizen who undertakes to examine the official conduct of men acting in a public capacity; and any citizen may print on any subject, being responsible for the abuse of that liberty."

The most ardent champions of free speech among the Founders, such as James Madison, interpreted the First Amendment as going further than Blackstone; Americans, they argued, should enjoy greater freedom of speech than Englishmen. Along with other Jeffersonians, Madison opposed post-publication punishment for the crime of "seditious

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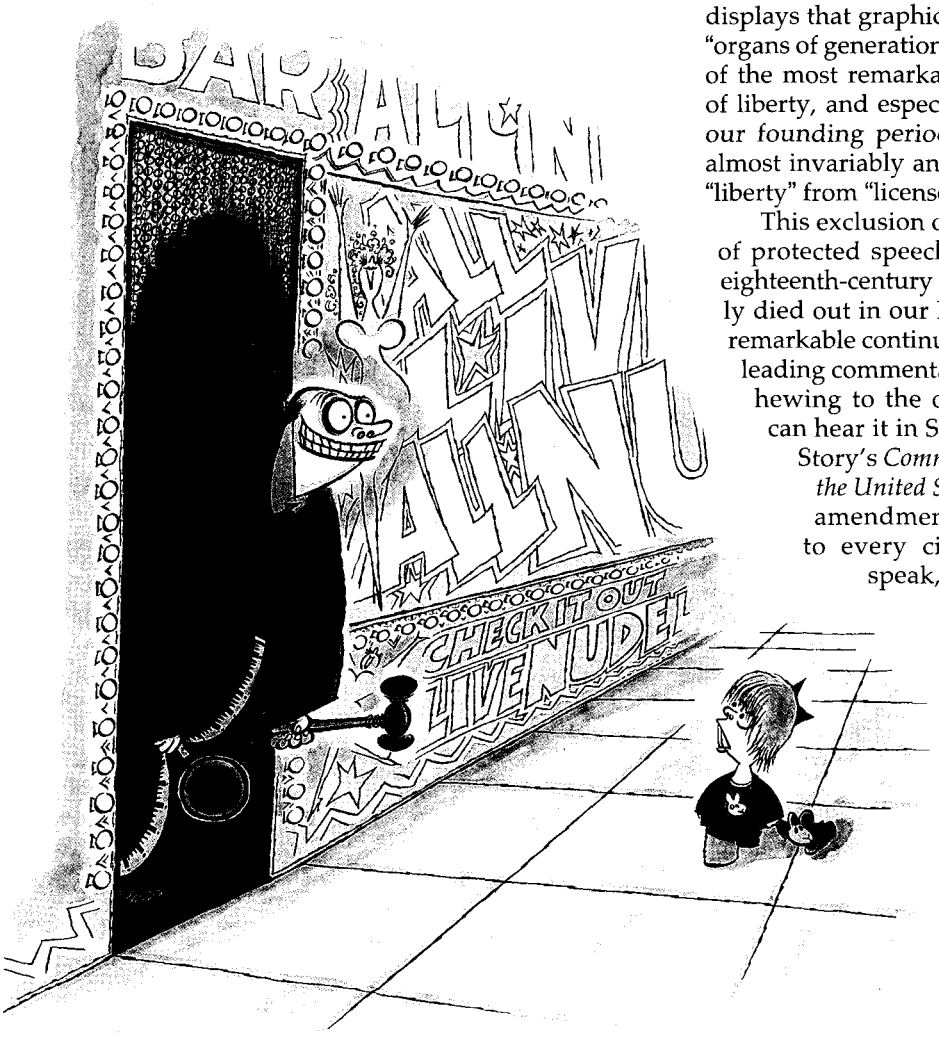

libel" (calumnious attacks on the character of a public official). But neither Madison nor any of the other most ardent advocates of free speech thought all speech absolutely protected.

What were the categories of expression for which speakers, writers, and exhibitors might be called to account? About one such category, there is no doubt: the lewd, the licentious, and the obscene—and that meant words, pictures, or other displays that graphically depicted sex, the human "organs of generation," or excretory functions. One of the most remarkable things about discussions of liberty, and especially liberty of expression, in our founding period is the way in which they almost invariably and immediately distinguished "liberty" from "license" or "licentiousness."

This exclusion of graphic sex from the realm of protected speech wasn't just a quirk of late eighteenth-century American thought that quickly died out in our law. In fact, what one sees is remarkable continuity for almost 200 years, with leading commentators and judicial interpreters hewing to the original understanding. You can hear it in Supreme Court Justice Joseph Story's *Commentaries on the Constitution of the United States* in 1833: "That this [first] amendment was intended to secure to every citizen an absolute right to speak, or write, or print whatever he may please, without any responsibility, public and private, therefor, is a supposition too wild to be indulged in by any rational man." In 1868, here is how Judge Thomas Cooley put the same idea in his treatise *Constitutional Limitations*, a standard work until well into the twentieth century: "The constitutional liberty of speech and of the press, as we understand it, implies a right freely to utter and publish whatever the citizen may please, and to be protected against any responsibility for so doing, except so far as such publications, from their blasphemy, obscenity, or scandalous character may be a pubic offense. . . . The State has also a right to determine what employments shall be permitted, and forbid those which are deemed prejudicial to the public good. Under this right it forbids . . . the keeping for sale of indecent books and pictures." In 1931, in a great First Amendment case striking down an attempt to suppress a newspaper, Chief Justice Charles Evans Hughes carefully

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noted that "the primary requirements of decency may be enforced against obscene publications."

As late as 1942, Justice Frank Murphy could write for a unanimous Supreme Court: "There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or 'fighting words.' . . . [S]uch utterances are no essential part of any exposition of ideas, and are of such slight social value as a step toward truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality." For most of our history as a nation, therefore, we had public decency laws in force at the local, state, and federal levels without any sense of constitutional contradiction.

What happened? How did a constitution never intended to restrain government from closing down sex shops come to be read as if it did? This makeover was not the work of the American people acting through conventions or legislatures, but rather of a small group of men who served on the Supreme Court in the late 1950s and 1960s under Chief Justice Earl Warren. They virtually defined away the concept of obscenity. Up to that time, though there were always close cases at the margins, "obscenity" had been a perfectly serviceable legal term, and judges had no wrenching difficulties making the relevant distinctions. But in Justice William Brennan's new version, announced in the *Roth* decision in 1957, "obscenity" became only a tiny, unspeakably vile subset of the pornographic, including only material that met three or four vaguely worded criteria—so vague and difficult of application that even Brennan later abandoned them as hopeless, announcing that henceforth he would vote to protect everything, including the hardest of the hard core.

But his *Roth* opinion opened the floodgates of the commercial sex industry. After *Roth*, it became so difficult to prove something obscene that government at all levels virtually gave up trying, and the sex industry boomed. By 1966, the transformation was so complete that Justice William O. Douglas could write that "the First Amendment, written in terms that are absolute, deprives the States of any power to pass on the value, the propriety, or the morality of a particular expression." As a statement of the American constitutional tradition, this was sheer fantasy; but Brennan, Douglas, and their brethren had made it the law of the land.

Along with the rest of the American elites, the Warren Court had joined the sexual revolution, with its promise that all would be well if we abandoned the restraints and conventions governing sexual behavior that civilization had evolved, and people were freed to pursue sexual "fulfillment." Liberated from repressions, "hang-ups," and "artificial" restraints, we would all be satisfied, healthy, and happy. Today, however, the sexual revolution increasingly looks like a failure on its own terms. Did the revolution make us happier, as promised? On the contrary, as books such as Wendy Shalit's recent *A Return to Modesty* reveal, we have an epidemic of disappointment and discontent—not to mention divorce, illegitimacy, and date rape. Never has sex been so problematic and contentious as in the Age of Clinton, but we still have the constitutional law that was born of the illusions of 40 years ago.

In 1973, the Court, by then under Warren Burger, attempted to contain the damage and narrowed the *Roth* test somewhat, making it easier for prosecutors to prove something legally obscene. It was too little, too late. Some cities and towns wrote new ordinances, prompting sex businesses to cut back on intrusive street advertising, but nothing really changed. Only particular pictures, movies, or performances that were proved obscene after years of litigation could be banned, and then the "adult" entrepreneur might be right back in business the next week with a new stock-in-trade.

Here is where zoning law came in. In decisions in 1976 and 1986, the Court allowed municipalities to subject "adult" businesses to zoning regulation without any particular findings of obscenity against any of their wares. The zoning regulation, the Court said, was, after all, not based on the content of what was offered for sale or display, but on the "secondary effects" the sex shops have on their neighborhoods.

Certainly, these secondary effects are very real and very ugly, and it is always better to be able to

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do *something* rather than nothing about an evil. Over the last several decades, some cities have made dramatic improvements by using zoning ordinances against the sex industry. But it is a painfully awkward business, and having to pursue this route is subtly corrosive of the way we think and talk about the problem of pornography. Zoning talk requires that our moral faculties be disengaged and our moral vocabulary stifled in favor of a strictly utilitarian language of crime rates, neighborhood blight, property values, and even traffic congestion, because these are the only legally acceptable grounds for regulation.

Even so astute an observer as David Brooks was recently fooled by this dodge. In a February *Weekly Standard* cover story titled "Good and Plenty: Morality in an Age of Prosperity," Brooks wrote of Plainfield, Connecticut, a small city suddenly confronted with a brand-new sex shop. Residents opposed it by citing the dangers to public safety and the likelihood of more police overtime costs, rather than condemning it as a threat to public morals. Brooks interprets this response as reflecting a decline in moral sensibility, resulting from a combination of prosperity and the morally ambiguous fact that many in the town earn their good living at the nearby Foxwoods gambling casino. But it is nothing of the kind. These citizens were simply responding in what the American legal establishment had taught them for 25 years was the only language appropriate for attacking porn. Without realizing it, they had been bullied into thinking that moral judgments were somehow unconstitutional.

"Along with the rest of the American elites, the Warren Court had joined the sexual revolution."

Imperfectly adapted to the task as it may be, zoning is about the only tool that American government has left to combat the porn businesses. But every wretched delaying tactic, every farcical twist and turn in New York's attempt to regulate sex shops, springs from the horrendous error made by the modern Supreme Court when it brushed aside constitutional understandings settled since the beginning of the Republic and covered with free-speech protection the most sexually explicit expression. This error has already become so deeply embedded in contemporary constitutional law that it won't be corrected anytime soon.

The elite culture that will defend it to the last ditch is turning the Founders' theory of free speech upside down. Today, leading legal and political intellectuals are determined to maintain the most scrupulous protection of graphic sex—the kind of "speech" that the Founders thought it essential to restrict—while at the same time they are eager to circumscribe political speech, the thing the Founders were most particularly concerned to protect, in areas from "hate speech" legislation to the regulation of electoral campaigning and the restriction of "issue ads" on the airwaves. University of Chicago law professor Cass Sunstein, for instance, has recently proposed a "New Deal for speech," subjecting various kinds of political speech to governmental regulation in the name of "fairness," much as Franklin Roosevelt's New Deal undertook to regulate economic activity.

For the mayor, and dozens of officials like him around the country, there is nothing to do but soldier on, nailing legal spaghetti to courtroom walls and achieving at least modest containment of the sex industry. But, Mr. Mayor, here is a suggestion that may make the frustration a little easier to bear. The next time someone says to you, "Of course, the Constitution forbids closing the sex shops down," invite that person to imagine asking James Madison for a drink at Ten's, to watch a woman clad only in panties and high heels performing a "lap dance" in front of a customer in return for a $20 bill. Invite him to imagine explaining to Madison, as her crotch undulates within a few inches of the customer's nose, how it is that the constitutional protection of free speech, which he championed with such austerely high-minded fervor, must logically apply to this. ■

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What Ever Happened to Reason?

Roger Scruton

The Enlightenment made explicit what had long been implicit in the intellectual life of Europe: the belief that rational inquiry leads to objective truth. Even those Enlightenment thinkers who distrusted reason, like Hume, and those who tried to circumscribe its powers, like Kant, never relinquished their confidence in rational argument. Hume opposed the idea of a rational morality; but he justified the distinction between right and wrong in terms of a natural science of the emotions, taking for granted that we could discover the truth about human nature and build on that firm foundation. Kant may have dismissed "pure reason" as a tissue of illusions, but he elevated practical reason in the place of it, arguing for the absolute validity of the moral law. For the ensuing 200 years, reason retained its position as the arbiter of truth and the foundation of objective knowledge.

Reason is now on the retreat, both as an ideal and as a reality. In place of it has come the "view from outside"—which puts our entire tradition of learning in question. The appeal to reason, we are told, is merely an appeal to Western culture, which has made reason into its shibboleth and laid claim to an objectivity that no culture could possess. Moreover, by claiming reason as its foundation, Western culture has concealed its pernicious ethnocentrism; it has dressed up Western ways of thinking as though they had universal force. Reason, therefore, is a lie, and by exposing the lie we reveal the oppression at the heart of Western culture. Behind the attack on reason lurks another and more virulent hostility: the hostility to the culture and the curriculum that we have inherited from the Enlightenment.

If we examine the gurus of the new university establishment, those whose works are most often cited in the endless stream of articles devoted to debunking Western culture, we discover that they are all opponents of objective truth. Nietzsche is a favorite, since he made the point explicitly: "There are no truths," he wrote, "only interpretations." Now, either what Nietzsche said is true—in which case it is not true, since there are no truths—or it is false. Enough said, you might imagine. But no: the point can be stated less brusquely, and the paradox concealed. This explains the appeal of those later thinkers—Michel Foucault, Jacques Derrida, and Richard Rorty—who owe their intellectual eminence not to their arguments (of which they have precious few) but to their role in giving authority to the rejection of authority, and to their absolute commitment to the impossibility of absolute commitments. In each of them you find the view that truth, objectivity, value, and meaning are chimerical, and that all we can have, and all we need to have, is the warm security of our own opinion.

It is vain to argue against these gurus. No argument, however rational, can counter the massive will to believe that endears them to their normal readers. After all, a rational argument assumes precisely what they put in question—namely, the possibility of rational argument. At least one of them—Michel Foucault—has been the subject of a hagiography, *Saint Foucault* by David Halperin, on account of the liberating message contained in his assault on structured thinking. But each of them owes his reputation to a new species of religious faith: faith in the relativity of all opinions, including this one.

Truth, Foucault tells us, is not an absolute, which can be understood and assessed in some trans-historical way, as though through the eye of God. Truth is the child of "discourse," and as discourse changes, so does the truth contained in it. What does the term "discourse" signify? Look at any academic journal in the humanities, and you will find it at the center of a thousand factitious debates: "Western phallocentrism and the discourse of gender," "White supremacist discourse in the novels of Conrad," "The discourse of exclusion: a queer perspective," and so on. By describing arguments as "discourse," you go behind them, to the state of mind from which they spring. You no longer confront the truth or reasonableness of another's opinion but engage

Blake's Divine Geometer

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directly with the social force that speaks through it. The question ceases to be "What are you saying?" and becomes, instead, "Where are you speaking from?" This was Foucault's triumph, to provide a word that would enable us to re-attach every thought to its context and make the context more important than the thought.

Discourse, for Foucault, is the product of an epoch, and exists by virtue of the prevailing social "power." It is what Marx called "ideology": a collection of ideas that have no authority in themselves but that disguise and mystify the social reality. There is no more to truth than the power that finds it convenient; and by unmasking power, we disestablish truth. In any epoch, there are those who refuse the prevailing discourse. These are denounced, marginalized—even incarcerated as mad. Theirs is the voice of "unreason," and, for those in authority, what they utter is not truth but delirium. However, Foucault makes clear, there is nothing objective in this denunciation of madness: it is no more than a device whereby the established power, the power of the bourgeois order, sustains itself, by safeguarding its own "truth" against the rival discourse that rejects it.

Foucault and his followers generalize this argument, to suggest that the traditional views of man, of the family, of sexual relations and sexual morality, have no authority beyond the power that upholds them. In his three-volume *History of Sexuality*, Foucault goes one step further. Sexual pleasure, he argues, is not intrinsically problematic; there is no reason in the nature of things for controlling or suppressing it. If sex is "problematized," so as to forbid some pleasures and encourage others, then this is a curious social fact, which can be explained but never justified. He describes his own study of sex, borrowing from Nietzsche, as a "genealogy" of morals—an explanation of beliefs that, because they have no intrinsic validity or truth, must be explained in terms of their social context, and so explained away.

Such an outlook was extremely useful to Foucault, whose rampant homosexuality would suffer no rebuke. His death from AIDS brought an end to his predations. But it did not curtail his influence: on the contrary, it crowned his thinking with a halo of political correctness. Foucault was not merely an advocate of instant pleasures but a martyr to them. Still, this nimbus of righteousness should not lead us to accept his debunking of sexual morality. For Foucault's "genealogy" makes no distinction between cause and effect. For all Foucault says to the contrary, it might be objectively true that human society and personal fulfillment are more easily guaranteed by heterosexual marriage than by sexual transgression, and that the cultural and political capital of an epoch is more easily passed on where people devote themselves to bringing up their children in the home. Rather than being the effect of social power, the old morality could be its cause. As to which it is—cause or effect—nothing in Foucault's diagnostic method could possibly tell us. The assumption throughout is that, by tracing a belief to the power of those who uphold it, you undermine its claim to objectivity. But this assumption might be the polar opposite of the truth.

Popular for the same reason as Foucault's power analysis is the deconstruction associated with Jacques Derrida. Nobody knows—or at least nobody has explained—what deconstruction is. But its very obscurity constitutes a large part of its appeal. By offering reams of gobbledygook, the deconstructionist is able to fortify his all-important assumption: that meaning is impossible. There is no such thing as the objective, decidable meaning of a word or argument. In the official jargon, there is no "transcendental signified." Every word, once uttered, is hostage to interpretation, and the decision to interpret the word one way rather than another is in the last analysis political—the only real questions are the old ones uttered by Lenin: Who? and Whom? Who is doing the interpreting, and against whom as his victim? If Dead White Males have monopolized the interpretation of Jane Austen, for example, is it surprising that the "official" readings of Austen's novels give no real place to women and their aspirations? Is it surprising that these novels are construed as vindications, rather than repudiations, of bourgeois marriage? Confronted by a text from the traditional canon, we can proceed to deconstruct it as

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we will, for the only constraints that bind us are those that we ourselves have chosen. Deconstructive criticism is like modern productions of traditional theater: the text is read against itself, so as to mean anything that the critic or producer should choose. And invariably the purpose is political: to debunk the old authorities, in the name of liberation.

The "pragmatism" of Richard Rorty operates in a similar way, reaching foregone political conclusions by a repeated sleight of hand. But since pragmatism is a native American product with a respectable history, people do not always regard it with the suspicion that it now (thanks to Rorty) deserves. It is therefore worth examining its subversive credentials.

Crudely put, pragmatism is the view that "true" means "useful." The most useful belief is the one that gives me the best handle on the world: the belief that, when acted upon, holds out the greatest prospect of success. Obviously that is not a sufficient characterization of the difference between the true and the false. Anyone seeking a career in an American university will find feminist beliefs useful, just as racist beliefs were useful to the university apparatchik in Nazi Germany. But this hardly shows those beliefs to be true.

So what do we really mean by "useful"? One suggestion is this: a belief is useful when it is part of a successful theory. But a successful theory is one that makes true predictions. Hence we have gone round in a circle, defining truth by utility and utility by truth. Indeed, it is hard to find a plausible pragmatism that does not come down to this: that a true proposition is one that is useful in the way that true propositions are useful. Impeccable, but vacuous.

The threat of vacuousness does not deter Rorty, who sees pragmatism as a weapon against the old idea of reason. Even though he fails dismally in the attempt to say what pragmatism really is, this failure is of no interest to his followers, who take it in their stride, just as they take in their stride the emptiness of Foucault's "genealogy" of morals and the impenetrable nonsense of deconstruction. It is enough that Rorty invokes his pragmatism as a kind of magic spell against the old idea of reason and in the cause of cultural relativism. It is this that qualifies him for guru status in our departments of humanities.

In his words: "Pragmatists view truth as . . . what is good for us to believe. . . . They see the gap between truth and justification not as something to be bridged by isolating a natural and transcultural sort of rationality which can be used to criticize certain cultures and praise others, but simply as the gap between the actual good and the possible better. . . . For pragmatists, the desire for objectivity is not the desire to escape the limitations of one's community, but simply the desire for as much intersubjective agreement as possible, the desire to extend the reference of 'us' as far as we can." In other words, pragmatism enables us to dismiss the idea of a "trans-cultural . . . rationality." There is no point to the old ideas of objectivity and universal truth; all that matters is that we agree.

But who are we? And what do we agree about? Turn to Rorty's essays, and you will soon find out. "We" are all feminists, liberals, advocates of gay liberation and the open curriculum; "we" do not believe in God or in any inherited religion; nor do the old ideas of authority, order, and self-discipline carry weight for us. "We" make up our minds as to the meaning of texts by creating through our words the consensus that includes us. There is no constraint on us, beyond the community to which we have chosen to belong. And because there is no objective truth but only our own self-engendered consensus, our position is unassailable from any point of view outside it. The pragmatist not only can decide what to think; he can protect himself from whoever doesn't think the same.

A true pragmatist will no doubt invent history just as he invents everything else, by persuading "us" to agree with him. Nevertheless, it is worth taking a glance at history, if only to see how paradoxical and dangerous is Rorty's view of the human intellect. The Islamic *ummah*—the society of all believers—was and remains the most extended consensus the world has ever known. It expressly recognizes consensus (*ijma'*) as a criterion of, and indeed a substitute for, truth, and it is engaged in a never-ceasing endeavor to include as many as possible in its comprehensive first-person plural. Moreover,

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whatever Rorty means by "good" or "better" beliefs, the pious Muslim must surely count as having some of the very best: beliefs that bring security, stability, happiness, a handle on the world, and a cheerful conscience as one blows up the *kafirs* who think otherwise.

Yet still, is there not a nagging feeling somewhere that those heartwarming beliefs might not be true, and that the enervated opinions of the postmodern atheist might just have the edge on them? On Rorty's account of pragmatism, this is not something a pragmatist can say. After all, postmodern atheists, unlike pious Muslims, don't compose a community—not even an imagined community. They have no credo or catechism, no sacred text, no established consensus. Yet Rorty is a postmodern atheist. Why? Not because he belongs to a community of unbelievers, but because he thinks that atheism is true. The pragmatism that puts consensus in the place of truth turns out to be a sham.

In its own eyes, the Enlightenment involved the celebration of universal values and a common human nature. The art of the Enlightenment ranged over other places, other times, and other cultures, in a heroic attempt to vindicate a vision of man as free and self-created. That vision inspired and was inspired by the old curriculum, and it has been the first concern of the postmodern university to put it in question. This concern explains the popularity of another relativist guru—Edward Said, whose book *Orientalism* showed how to dismiss the Enlightenment itself as a form of cultural imperialism. The Orient appears in Western art and literature, Said argues, as something exotic, unreal, theatrical, and therefore unserious. Far from being a generous acknowledgment of other cultures, the orientalist art of Enlightenment Europe is an attempt to belittle them, to reduce them to decorative episodes within the great imperium of Western progress.

Said's argument goes hand in hand with the advocacy of a multicultural curriculum. The old curriculum, a product of the Enlightenment, is, we are told, monocultural, devoted to perpetuating the view of Western civilization as inherently superior to its rivals. It is also patriarchal, the product of Dead White European Males, who have since lost all authority. And its assumption of a universal rational perspective, from the vantage point of which all humanity can be studied, is nothing better than a rationalization of its imperialist ambitions. By contrast, we who live in the amorphous and multicultural environment of the postmodern city must open our hearts and minds to all cultures and be wedded to none. The inescapable result of this is relativism: the recognition that no culture has any special claim to our attention, and that no culture can be judged or dismissed from outside.

But once again there is a paradox. For those who advocate this multicultural approach are as a rule vehement in their dismissal of Western culture. Said is no exception. While exhorting us to judge other cultures on their own terms, he is also asking us to judge Western culture from a point of view outside—to set it against alternatives and to judge it adversely as ethnocentric and racist.

But the criticisms offered of Western culture are really confirmations of its claim to favor. It is thanks to the Enlightenment and its universal view of human values that racial and sexual equality have such a commonsense appeal to us. It is the universalist vision of man that makes us demand so much of Western art and literature—more than we should ever demand of the art and literature of Java, Borneo, or China. It is the very attempt to embrace other cultures—an attempt that has no parallel in the traditional art of Arabia, India, or Africa—that makes Western art a hostage to Said's caviling strictures. And it is only a very narrow view of our artistic tradition that does not discover in it a multicultural approach that is far more imaginative than anything now taught under that name. Our culture invokes an historical community of sentiment, while celebrating universal human values. It is rooted in the Christian experience but draws from that source a wealth of human feeling that it spreads impartially over imagined worlds. From Ariosto's *Orlando Furioso* to Byron's *Don Juan*, from Mon-

Dead White Male Socrates

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Enlightenment philosophers Voltaire and Rousseau had unshakable faith in reason's power to discern truth.

teverdi's *Poppea* to Longfellow's *Hiawatha*, from *The Winter's Tale* to *Madama Butterfly*, our culture has continuously ventured into spiritual territory that has no place on the Christian map.

The Enlightenment, which set before us an ideal of objective truth, also cleared away the mist of religious doctrine. The moral conscience, cut off from religious observance, began to see itself from outside. At the same time, the belief in a universal human nature, so powerfully defended by Shaftesbury, Hutcheson, and Hume, kept skepticism at bay. Their Enlightenment contemporaries would have regarded as absurd the suggestion that, in tracing the course of human sympathy, Shaftesbury and Hume were merely describing an aspect of "Western" culture. To them, the "moral sciences," including the study of art and literature, embodied what T. S. Eliot later called a "common pursuit of true judgment." And this common pursuit occupied the great thinkers of the Victorian age, who, even when they made the

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first ventures into sociology and anthropology, believed in the objective validity of their results and in a universal human nature that would be revealed in them.

All that has changed utterly. In place of objectivity we have only "inter-subjectivity"—in other words, consensus. Truths, meanings, facts, and values are now regarded as negotiable. The curious thing, however, is that this woolly-minded subjectivism goes hand in hand with a vigorous censorship. Those who put consensus in the place of truth find themselves distinguishing the true from the false consensus. Thus the consensus Rorty assumes rigorously excludes all conservatives, traditionalists, and reactionaries. Only liberals can belong to it; just as only feminists, radicals, gay activists, and anti-authoritarians can take advantage of deconstruction; just as only the opponents of "power" can make use of Foucault's techniques of moral sabotage; and just as only multiculturalists can avail themselves of Said's critique of Enlightenment values. The inescapable conclusion is that today's gurus advocate subjectivity, relativity, and irrationalism not in order to let in all opinions but precisely to exclude the opinions of people who believe in old authorities and objective truths.

If you study the opinions that prevail in modern academies, you will discover that they are of two kinds: those that emerge from the constant questioning of traditional values, and those that emerge from the attempt to prevent any questioning of the liberal alternatives. All of the following beliefs are effectively forbidden on the normal American campus: (1) The belief in the superiority of Western culture; (2) The belief that there might be morally relevant distinctions between sexes, cultures, and religions; (3) The belief in good taste, whether in literature, music, art, friendship, or behavior; and (4) The belief in traditional sexual mores. You can entertain those beliefs, but it is dangerous to confess to them, still more dangerous to defend them, lest you be held guilty of "hate speech"—in other words, of judging some group of human beings adversely. Yet the hostil-

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ity to these beliefs is not founded on reason and is never subjected to rational justification. The postmodern university has not defeated reason but replaced it with a new kind of faith—a faith without authority and without transcendence, a faith all the more tenacious in that it does not recognize itself as such.

The religion of political correctness is not confined to America. Recently Glen Hoddle, the English soccer coach, expressed the view (perfectly acceptable when uttered by a representative of some ethnic minority) that disabled people are suffering in this life for sins committed in another. He was at once castigated by his employers, by the media, and by the government, in a remarkable series of show trials. He was then fired. Such witch trials are more and more frequent in Britain, conducted outside the courts by bureaucrats and quasi-independent commissions like the Commission for Racial Equality. And the guiding principle is always "Guilty until proved innocent."

Similarly, you will find that almost all those who espouse the relativistic "methods" that Foucault, Derrida, and Rorty have introduced into the humanities are vehement adherents of a code of political correctness that condemns deviation in absolute and intransigent terms. The relativistic theory exists in order to support an absolutist doctrine. Hence the extreme disarray that entered the camp of deconstruction when it was discovered that one of the leading ecclesiastics, Paul de Man, once had Nazi sympathies. It is manifestly absurd to suggest that a similar disarray would have attended the discovery that Paul de Man had once been a communist—even if he had taken part in some of the great communist crimes. In such a case he would have enjoyed the same compassionate endorsement as was afforded to communists and fellow travelers Lukacs, Merleau-Ponty, and Sartre. The assault on meaning undertaken by the deconstructionists is not an assault on "our" meanings, which remain exactly what they always were: radical, egalitarian, and transgressive. It is an assault on "their" meanings—the meanings sequestered in a tradition of artistic and philosophical thinking and passed on from generation to generation by the old forms of scholarship.

All that is worth bearing in mind when we consider the current state of intellectual life in Europe and America. Although areas like philosophy have been for many years immune to the prevailing subjectivism, they too are beginning to succumb to it. Teachers who remain wedded to what Rorty calls "a natural and trans-cultural sort of rationality"—in other words, who believe they can say something permanently and universally true about the human condition—find it increasingly difficult to appeal to students for whom negotiation has taken the place of rational argument. To expound Aristotle's ethics and to point out that the cardinal virtues Aristotle defended are as much a part of happiness for modern people as they were for ancient Greeks is to invite incomprehension. The best the modern student can manage is curiosity: That, he will acknowledge, is how they saw the matter. As to how I see it, who knows?

From this state of bewildered skepticism, the student may take a leap of faith. And the leap is never backward into the old curriculum, the old canon, the old belief in objective standards and settled ways of life. It is always a leap forward, into the world of free choice and free opinion, in which nothing has authority and nothing is objectively right or wrong. In this postmodern world there is no such thing as adverse judgment—unless it be of the adverse judge. It is a playground world, in which all are equally entitled to their culture, their "lifestyle," and their opinions.

And that is why, paradoxically, the postmodern curriculum is so censorious—in just the way that liberalism is censorious. When everything is permitted, it is vital to forbid the forbidder. All serious cultures are founded on the distinctions between right and wrong, true and false, good taste and bad, knowledge and ignorance. It was to the perpetuation of those distinctions that the humanities, in the past, were devoted. Hence the postmodern assault on the curriculum and the vehement attempt to impose a standard of "political correctness"—which means, in effect, a standard of non-exclusion and non-judgment.

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But the attack on the old curriculum is unfounded, for the old curriculum was far from monocultural. Our ancestors studied—and I mean really studied—cultures that were entirely strange to them. They learned the languages and literature of Greece and Rome; came to understand, love, and even in their own way to worship the pagan gods; translated from Hebrew, Sanskrit, and Arabic; and roamed the world with an insatiable curiosity, believing on the best of grounds that nothing human would be alien to them. It was second nature to the nineteenth-century graduate to learn the language of a country to which he traveled, to study its literature, religion, history, and customs—often to the extent of going native, like many of the British in India and many of the Indians in Britain. The European Enlightenment, transferred by trade and colonial adventure to the shores of the Eastern Mediterranean, inspired the intellectual class of Egypt and Lebanon with the vision of universal learning. Edward Said is a product of this: a living disproof of his own favorite theories.

All that returns us to the deeply paradoxical nature of the new relativism. While holding that all cultures are equal and judgment among them absurd, the new relativism covertly appeals to the opposite belief. It is in the business of convincing us that Western culture, and the traditional curriculum, are racist, ethnocentric, patriarchal, and therefore beyond the pale of political acceptability. False though these accusations are, they presuppose the very universalist vision that they declare to be impossible.

The subliminal awareness of this paradox explains the popularity of the gurus I have discussed. Their arguments belong to a new species of theology: the theology of political correctness. As in all theology, it is not the quality of the argument, but the nature of the conclusion, that renders the discussion acceptable. The relativist beliefs exist because they sustain a community—the new *ummah* of the rootless and the disaffected. Hence, in Rorty, Derrida, and Foucault, we find a shared duplicity of purpose: on the one hand to undermine all claims to absolute truth and on the other hand to uphold the orthodoxies upon which their congregation depends. The very reasoning that sets out to destroy the ideas of objective truth and absolute value imposes political correctness as absolutely binding and cultural relativism as objectively true.

What should be our response to this? Surely the first conclusion we should draw is that the new relativism is self-contradictory. Its absolute censoriousness is already proof of this; so too is its constant assumption of the "trans-cultural" perspective that it denies to be possible. Without such a perspective, the very idea of a plurality of cultures could not be expressed. And what is this perspective—the "point of view beyond culture"—if not the perspective of reason?

The second conclusion to draw is that, intellectually speaking, the Enlightenment project, as Alasdair MacIntyre has called it—the project of deriving an objective morality from rational argument—is as much a reality for us as it was for Kant or Hegel. The problem lies not in giving rational grounds for morality or objective principles of criticism. The problem lies in persuading people to accept them. Although there are those, like John Gray, who tell us that the project has failed, the failure lies in them and not in the project. It is possible to give a reasoned defense of traditional morality and to show just why human nature and personal relations require it. But the argument is difficult. Not everyone can follow it; nor does everyone have the time, the inclination, or the requisite sense of what is at stake. Hence reason, which stirs up easy questions while providing only difficult replies, will be more likely to destroy our pieties than to give new grounds for them.

What is wrong with the Enlightenment project is not the belief that reason can provide a trans-cultural morality. For that belief is true. What is wrong is the assumption that people have some faint interest in reason. The falsehood of this assumption is there for all to see in our academies: in the relativism of their gurus and in the misguided absolutism—absolutism about the wrong things and for the wrong reasons, absolutism that excludes all but the relativists from their doors. ■

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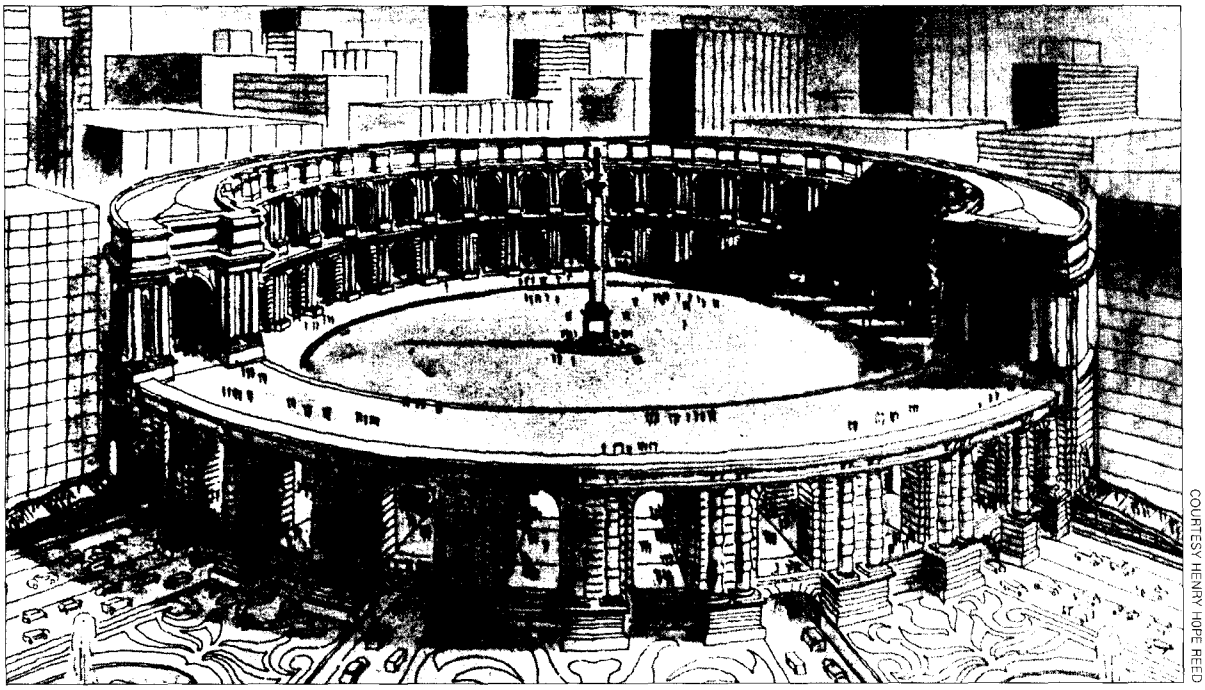
Another Chance for Columbus Circle

Henry Hope Reed

Columbus Circle is an ugly duckling that promises every decade to change into a swan—or at least a duck. The latest promise comes from a group of real-estate developers who, as the Columbus Centre Partners, won the contract to buy the site of the New York Coliseum last year for some $345 million. Chief among the partners are Stephen M. Ross of the Related Companies, William L. Mack, and Boston developer Kenneth A. Himmel. They envision a megaproject of two 750-foot towers with clusters of lower buildings, all housing Time Warner's new headquarters and studios for its CNN and NY1 television operations, as well as a Mandarin Oriental Hotel, condominium apartments, a 12-screen movie theater, indoor parking, and a 1,000-seat concert hall for Jazz at Lincoln Center. To distinguish all this, the developers promise distinctive tops on their two towers—and they spell "centre" in toney British fashion. The transaction will close next year; should the partners withdraw for any reason, Time Warner has pledged to make the deal go through.

So visible a project would be important anywhere in the city, but as architecture it is even more important because it abuts Central Park. Glorious as Frederick Law Olmsted and Calvert Vaux's design for the park may be, what sets this urban jewel apart from all other great parks in the world is its unique, extraordinary setting. What other park has so magnificent a frame? To see what I mean, just look at Brooklyn's Prospect Park by the same designers and note the absence of a frame. Splendid, to be sure, but without the same cosmopolitan swagger. Of course, when Central Park was built, the most conspicuous objects on the horizon were several distant church steeples. It is today's frame that gives the park such drama.

In places, this frame is splendid of itself, nowhere more so than at Grand Army Plaza at the southeast corner, at Fifth



COURTESY HENRY HOPE REED

In the fifties, John Barrington Bayley designed a grand classical scheme for Columbus Circle (above), which roofed over the auto traffic and incorporated the statue of Columbus (right) as its focus.

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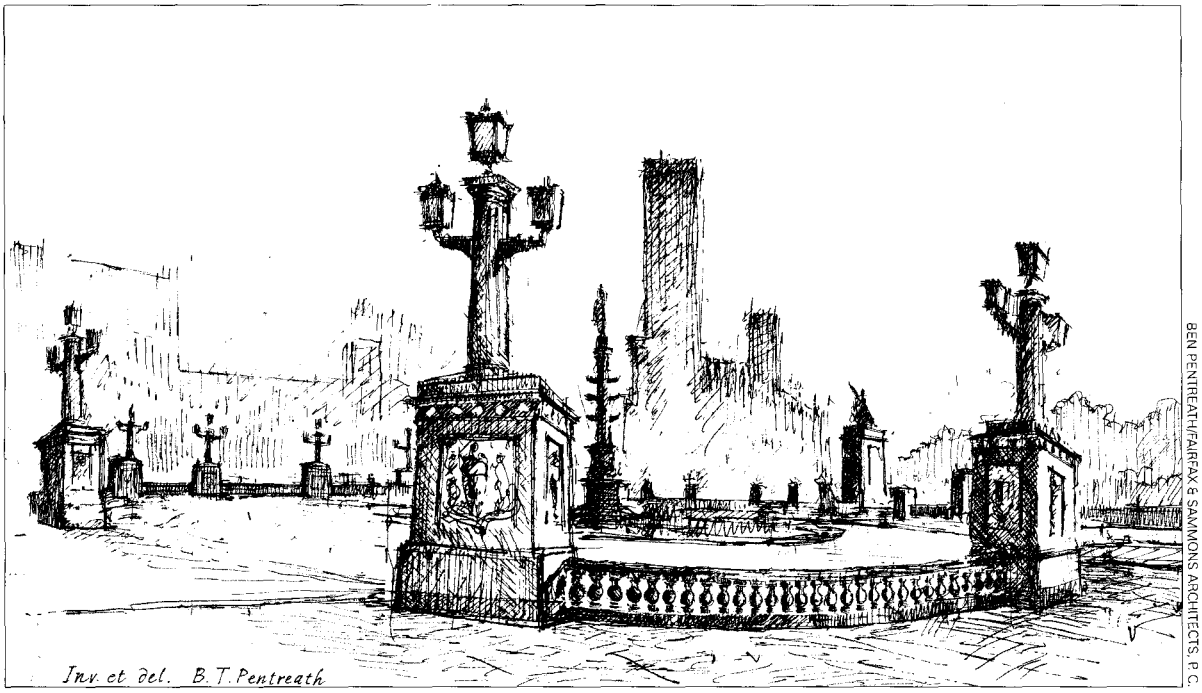

BEN PENTREATH/FAIRFAX & SAMMONS ARCHITECTS, P.C.

This view, looking north from Broadway and Central Park South, shows a possible classical treatment that, though modest, would make Columbus Circle a fitting completion of Central Park's superb frame.

Avenue and 59th Street, with its sumptuous Plaza hotel, its tiered Pulitzer Fountain, and its golden equestrian statue of William Tecumseh Sherman. To go a half-mile west to Columbus Circle is to journey from the sublime to the ridiculous. The traffic in the circle may be orderly, but the setting is chaotic. The proposed new development, though architecturally banal, provides an opportunity to do something better on this important site, and make Columbus Circle a complementary part of Central Park's frame rather than an eyesore.

The Circle had its origin in the 1860s, when the commissioners of Central Park transformed what had been known as the Bloomingdale Road, going from 59th to 155th Streets, into The Boulevard. The new thoroughfare's horsecar tracks circled at 59th Street to form a turnaround, and the Circle was born.

The neighborhood developed with small hotels, warehouses, several theaters, and especially riding academies, one of them among the world's largest. In the 1890s, the decade when civic design began to flourish, the Circle acquired its first monument—in the classical style, of course. Part of the city's great Columbus celebration of 1892 was the raising, at the Circle's center, of a statue of the explorer upon a rostral column (that is, a column decorated with the sculpted prows of ancient triremes). Two decades later, abutting the park, came the Maine Monument, given by William Randolph Hearst. If Joseph Pulitzer, his great rival in the newspaper wars, had claimed the Grand Army Plaza with his fountain, Hearst would have the Circle. Although Hearst bought property near the Circle with the thought of putting his offices there, he eventually settled on 57th Street and Eighth Avenue, where the Hearst Corporation headquarters remains today.

By this time, the frame of the park was taking shape. Apartment buildings rose, first on Central Park South, then on Central Park West, with the celebrated Dakota Apartments in place at 72nd Street by 1884. By the 1900s, with windows above

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STEVEN FREEMAN

Recalling New York's newspaper wars, Hearst's Maine Monument competes with the Pulitzer Fountain in the Grand Army Plaza at the southeast corner of Central Park, half a mile away.

the tree line, residents were complaining of the dark void of the park. The city installed lighting, not to make the park safe at night but to relieve the vast gloom for West Siders. By contrast, Fifth Avenue remained all mansions until its first apartment building, the stately McKim, Mead, & White palazzo at Number 998, was completed in 1911. Most of what we behold in the frame today belongs to the 1920s—not just the splendid classical east flank but also the west flank, where Art Deco towers replaced older apartment buildings as the twenties roared on.

The park's frame should be as much a stylistic guide to what we now do with Columbus Circle as the Columbus column and the Maine Monument. Not that this makes the solution to designing a unified architectural scheme any easier. The Circle is a study in restrictions, beginning with the diagonal crossing of Broadway and Eighth Avenue. Below the surface, the Broadway–Seventh Avenue and the Eighth Avenue subways cross each other, too, making it impossible to tunnel one of the crossing thoroughfares, as in one or two of Washington's many circles.

In the 1950s, the late John Barrington Bayley, designer of the new wing of the Frick Collection, came up with a design—never built, of course—that took its inspiration from the existing frame of the park and that can serve as a model for us today. Bayley always insisted that the backward glance was the beginning of wisdom. He designed a new opera house for a site adjoining the present New York Coliseum, and he conceived of the Circle as a giant forecourt. Placing a platform above street level and traffic, he has a circular arcade encompassing the Maine Monument and in the center of what is the pedestrian concourse stands the Columbus column. As at Saint Peter's Square in Rome, where Bernini placed a double colonnade to conceal the surrounding city, Bayley's arcade screens the exterior of the Circle. With such a design, it matters much less if the architecture of Columbus

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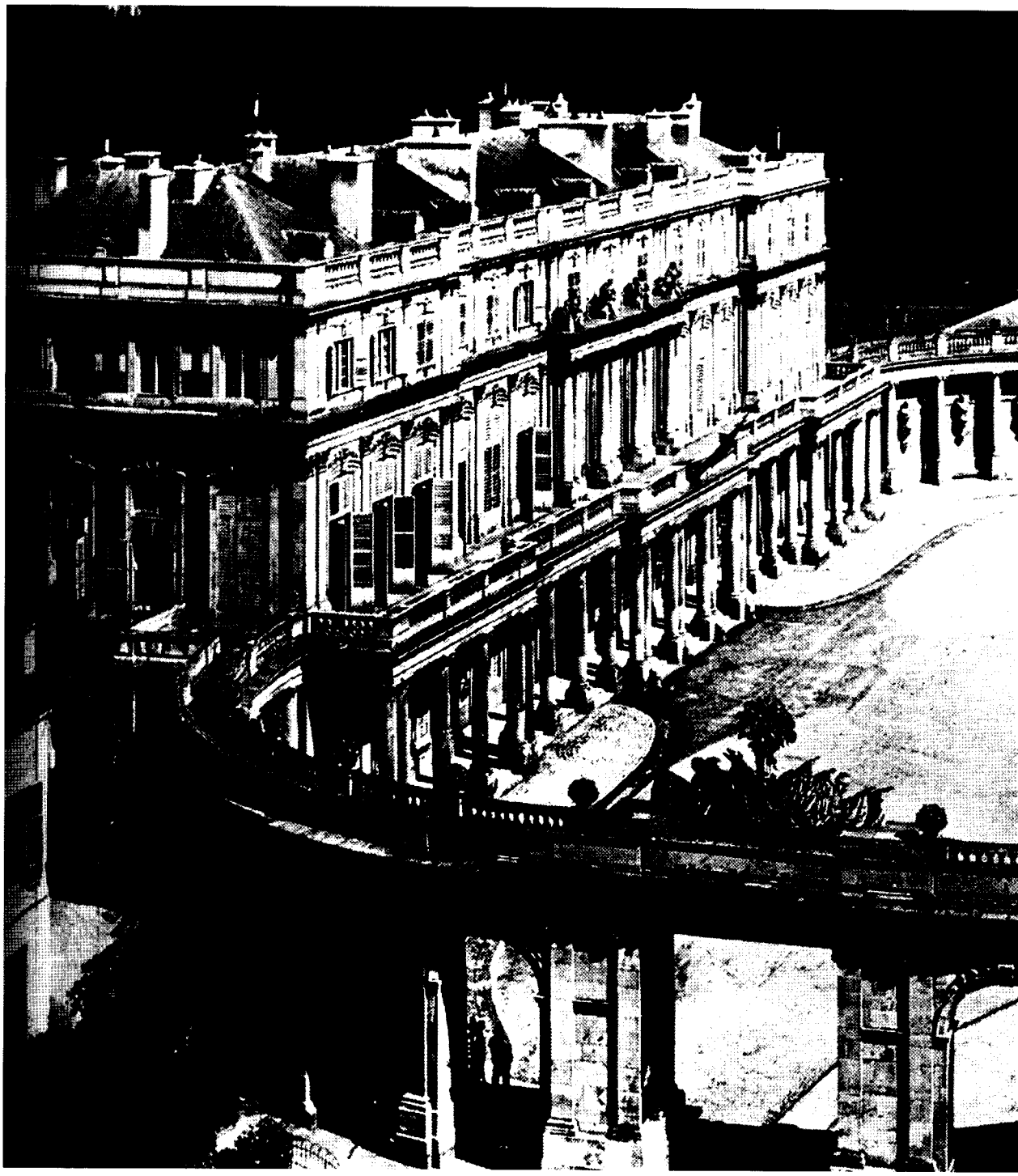
Urbanities



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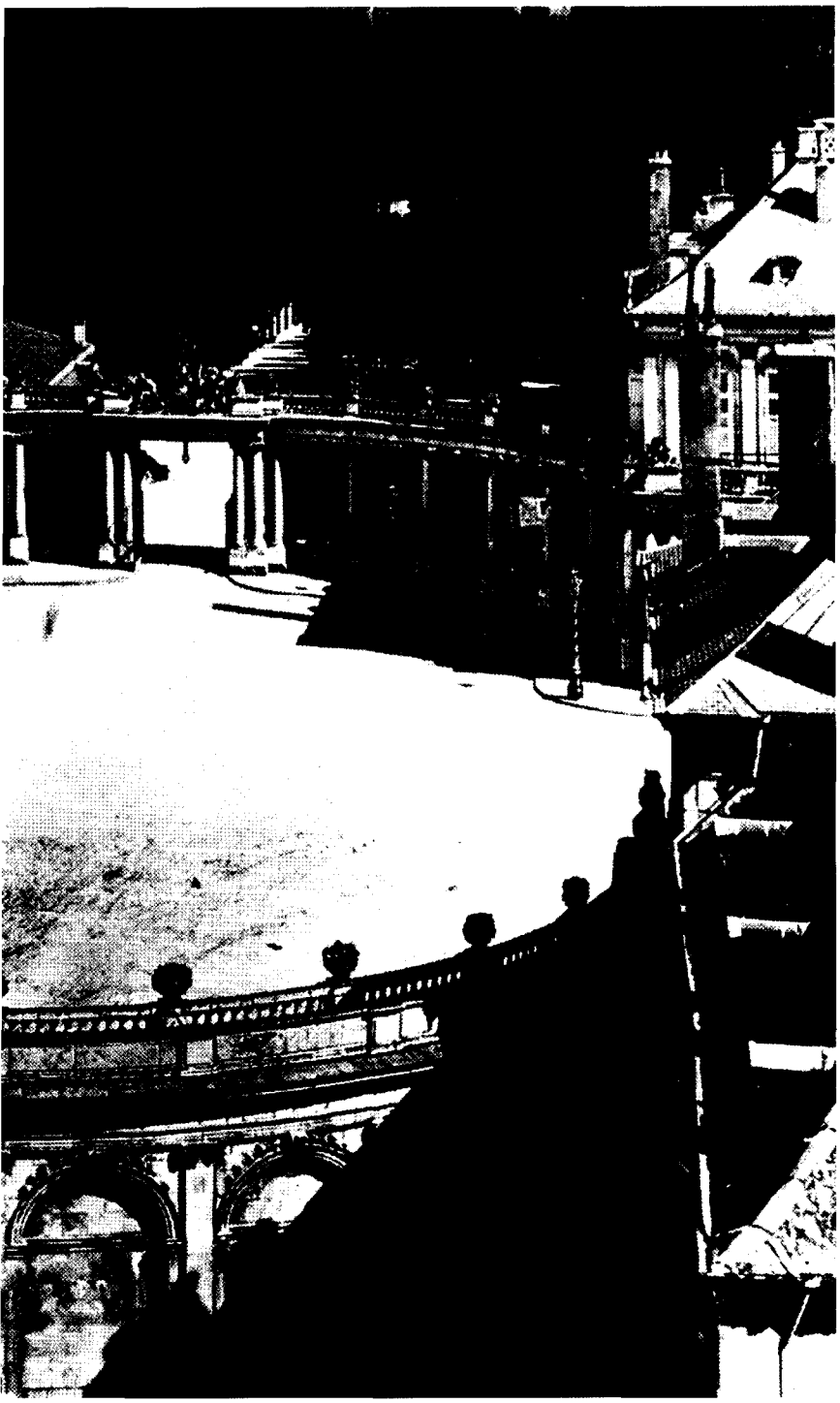

Centre's proposed new towers is uninspired, as indeed it at present appears to be.

In its way, such a scheme is reminiscent of the preserving of old house fronts and building new buildings behind them, as is admirably done on the south side of 79th Street, just west of Park Avenue. These old brownstone fronts serve to marry the modern high-rise at their back to the street. A classical arcade or colonnade of granite or limestone in front of the new Columbus Centre would have an even more pleasurable effect.

In Nancy, France, the Hemicycle de la Carrière, as it is called, displays a more modest scheme than Bayley's, though similar to it in that it is an arcade; it could also serve as a model for Columbus Circle. Other models might include the courts of the 1915 Panama-Pacific International Exposition in San Francisco or the Admiralty Arch in London and the great single bay arch of the General Staff Headquarters in Saint Petersburg, since an arch is the best solution for joining buildings on either side of a street, and the colonnade will have to break at intervals to allow the traffic to flow.

If such schemes are too ambitious, we can look to simpler answers. At the Place de la Concorde in Paris, a large square crossed by traffic, it is not just the fine buildings but the

The Hemicycle de la Carrière in Nancy, France, suggests a scheme for Columbus Circle . . .

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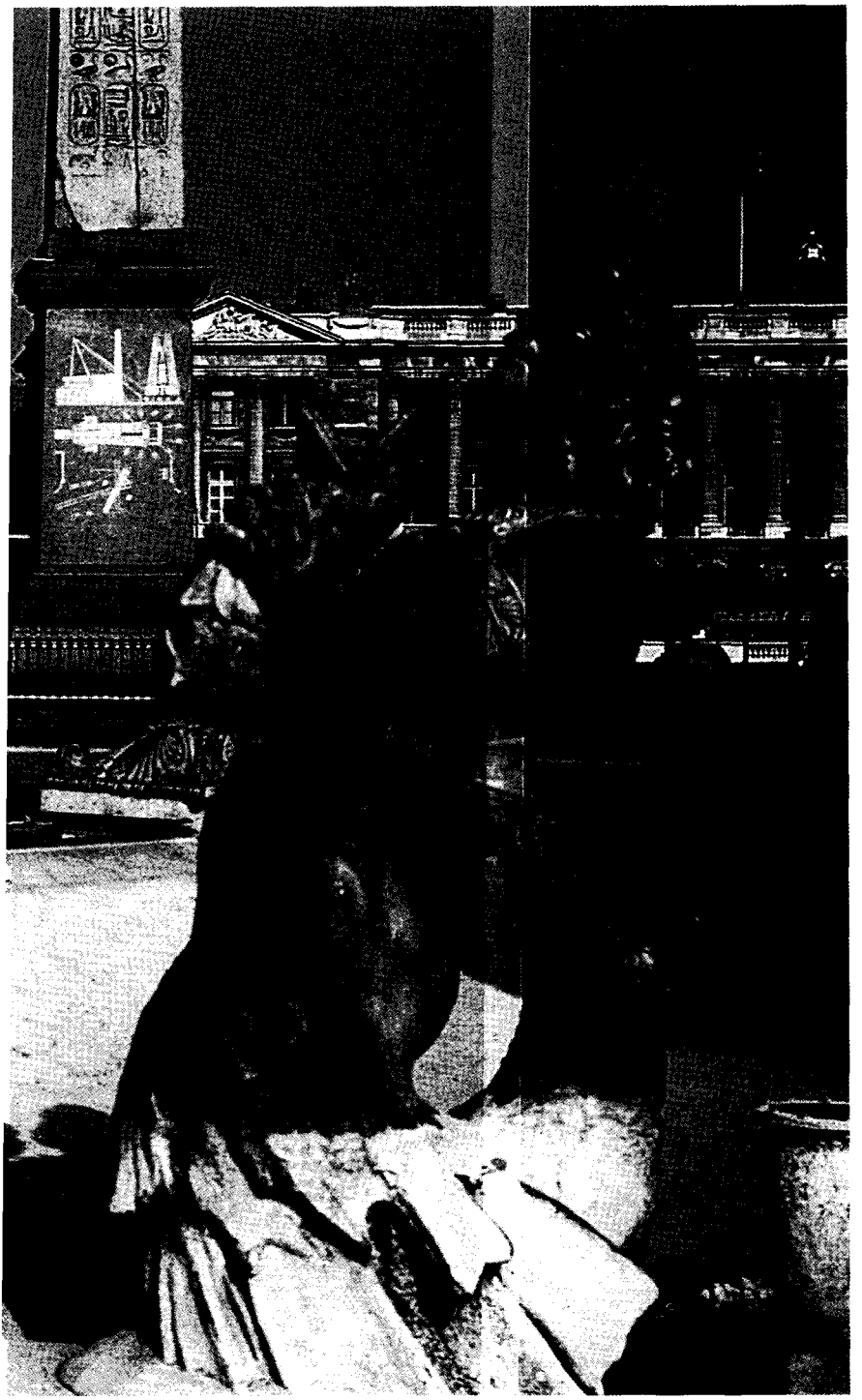

high-quality street embellishment that gives unity and harmony to the whole. The designers there used waist-high classical limestone balustrades instead of the customary concrete barriers to separate traffic from pedestrians. Special short lampposts in green and gold, with classical detail, even with rostral brackets, as on the Columbus column, offer a beautiful yet solemn note in their heavy solidity. Adapting this scene, in Columbus Circle we could reproduce the four existing truncated obelisks on the park side and carry them around the circle, linked by balustrades and decorated with sculptural friezes.

Any of these schemes could be carried out by private initiative rather than by the city, as happened early in this century, when private initiative roofed a railroad yard and train tracks to transform a semi-industrial area into one of the great residential avenues of modern times, Park Avenue. The builders of Park Avenue understood that ornament—and classical ornament, at that—was the key to creating a gracious and unified streetscape. That was understood until modernism diverted the mighty stream of Western art. Could we restore to Columbus Circle the classical, as embodied in the Columbus column and the Maine Monument, we would at last succeed in completing the grandly cosmopolitan frame of Central Park, one of urbanism's wonders. ■

. . . as does the Place de la Concorde in Paris.

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Oh, to

England

What Is Poverty?

Theodore Dalrymple

What do we mean by poverty? Not what Dickens or Blake or Mayhew meant. Today, no one seriously expects to go hungry in England or to live without running water or medical care or even TV. Poverty has been redefined in industrial countries, so that anyone at the lower end of the income distribution is poor *ex officio*, as it were—poor by virtue of having less than the rich. And of course by this logic, the only way of eliminating poverty is by an egalitarian redistribution of wealth—even if the society as a whole were to become poorer as a result.

Such redistribution was the goal of the welfare state. But it has not eliminated poverty, despite the vast sums expended, and despite the fact that the poor are now substantially richer—indeed are not, by traditional standards, poor at all. As long as the rich exist, so must the poor, as we now define them.

Certainly they are in squalor—a far more accurate description of their condition than poverty—despite a threefold increase in per-capita income, including that of the poor, since the end of the last war. Why they should be in this condition requires an explanation—and to call that condition poverty, using a word more appropriate to Mayhew's London than to today's reality, prevents us from grasping how fundamentally the lot of "the poor" has changed since then. The poor we shall always have with us, no doubt: but today they are not poor in the traditional way.

The English poor live shorter and less healthy lives than their more prosperous compatriots. Even if you didn't know the statistics, their comparative ill health would be obvious on the most casual observation of rich and slum areas, just as Victorian observers noted that the poor were on average a head shorter than the rich, due to generations of inferior nourishment and hard living conditions. But the reasons for today's difference in health are not economic. It is by no means the case that the poor can't afford medicine or a nourishing diet; nor do they live in overcrowded houses lacking proper sanitation, as in Mayhew's time, or work 14 backbreaking hours a day in the foul air of mines or mills. Epidemiologists estimate that the higher rate of cigarette consumption among the poor accounts for half the difference in life expectancy between the richest and poorest classes in England—and to smoke that much takes money.

Notoriously, too, the infant mortality rate is twice as high in the lowest social class as in the highest. But the infant mortality rate of illegitimate births is twice that of legitimate ones, and the illegitimacy rate rises steeply as you descend the social scale: so the decline of marriage almost to the vanishing point in the lowest social class might well be responsible for most of its excess infant mortality. It is a way of life, not poverty *per se*, that kills. The commonest cause of death between the ages of 15 and 44 is now suicide, which has increased most precipitously precisely among those who live in the underclass world of temporary step-parenthood and of conduct unrestrained either by law or convention.

Just as it is easier to recognize ill health in someone you haven't seen for some time rather than in someone you meet daily, so a visitor coming into a society from elsewhere often can see its character more clearly than those who live in it. Every few months, doctors from countries like the Philippines and India arrive fresh from the airport to work for a year's stint at my hospital. It is fascinating to observe their evolving response to British squalor.

At the start, they are uniformly enthusiastic about the care that we unsparingly and unhesitatingly give to everyone, regardless of economic status. They themselves come from cities—Manila, Bombay, Madras—where many of the cases we see in our hospital would simply be left to die, often without succor of any kind. And they are impressed that our care extends beyond the merely medical: that no one goes without food or clothing or shelter, or even entertainment. There seems to be a public agency to deal with every conceivable problem. For a couple of weeks, they think this all represents the acme of civilization, especially when they recall the horrors at home.

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Poverty—as they know it—has been abolished.

Before very long, though, they start to feel a vague unease. A Filipina doctor, for example, asked me why so few people seemed grateful for what was done for them. What prompted her question was an addict who, having collapsed from an accidental overdose of heroin, was brought to our hospital. He required intensive care to revive him, with doctors and nurses tending him all night. His first words to the doctor when he suddenly regained consciousness were, "Get me a fucking roll-up" (a hand-rolled cigarette). His imperious rudeness didn't arise from mere confusion: he continued to treat the staff as if they had kidnapped him and held him in the hospital against his will to perform experiments upon him. "Get me the fuck out of here!" There was no acknowledgment of what had been done for him, let alone gratitude for it. If he considered that he had received any benefit from his stay at all, well, it was simply his due.

My doctors from Bombay, Madras, or Manila observe this kind of conduct open-mouthed. At first they assume that the cases they see are a statistical quirk, a kind of sampling error, and that given time they will encounter a better, more representative cross section of the population. Gradually, however, it dawns upon them that what they have seen *is* representative. When every benefit received is a right, there is no place for good manners, let alone for gratitude.

Case after case causes them to revise their initial favorable opinion. Before long, they have had experience of hundreds, and their view has changed entirely. Last week, for example, to the amazement of a doctor recently arrived from Madras, a woman in her late twenties entered our hospital with the most common condition that brings patients to us: a deliberate overdose. At first she would say nothing more than that she wanted to depart this world, that she had had enough of it.

I inquired further. Just before she took the overdose, her ex-boyfriend, the father of her eight-month-old youngest child (now staying with her ex-boyfriend's mother), had broken into her apartment by smashing down the front door. He wrecked the apartment's contents, broke every window, stole $110 in cash, and ripped out her telephone.

"He's very violent, doctor." She told me that he had broken her thumb, her ribs, and her jaw during the four years she was with him, and her face had needed stitching many times. "Last year I had to have the police out to him."

"What happened?"

"I dropped the charges. His mother said he would change."

Another of her problems was that she was now five weeks pregnant and she didn't want the baby.

"I want to get rid of it, doctor."

"Who's the father?"

It was her violent ex-boyfriend, of course.

"Did he rape you, then?"

"No."

"So you agreed to have sex with him?"

"I was drunk; there was no love in it. This baby is like a bolt out of the blue: I don't know how it happened."

I asked her if she thought it was a good idea to have sex with a man who had repeatedly beaten her up, and from whom she said she wished to separate.

"It's complicated, doctor. That's the way life goes sometimes."

What had she known of this man before she took up with him? She met him in a club; he moved in at once, because he had nowhere else to stay. He had a child by another woman, neither of whom he supported. He had been in prison for burglary. He took drugs. He had never worked, except for cash on the side. Of course he never gave her any of his money, instead running up her telephone bills vertiginously.

She had never married, but had two other children. The first, a daughter aged eight, still lived with her. The father was a man whom she left because she found he was having sex with 12-year-old girls. Her second child was a son, whose father was "an idiot" with whom she had slept one night. That child, now six, lived with the "idiot," and she never saw him.

What had her experience taught her?

"I don't want to think about it. The Housing'll charge me for the damage, and I ain't got the money. I'm depressed, doctor;

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I'm not happy. I want to move away, to get away from him."

Later in the day, feeling a little lonely, she telephoned her ex-boyfriend, and he visited her.

I discussed the case with the doctor who had recently arrived from Madras, and who felt he had entered an insane world. Not in his wildest dreams had he imagined it could be like this. There was nothing to compare with it in Madras. He asked me what would happen next to the happy couple.

"They'll find her a new flat. They'll buy her new furniture, television, and refrigerator, because it's unacceptable poverty in this day and age to live without them. They'll charge her nothing for the damage to her old flat, because she can't pay anyway, and it wasn't she who did it. He will get away scot-free. Once she's installed in her new flat to escape from him, she'll invite him there, he'll smash it up again, and then they'll find her somewhere else to live. There is, in fact, nothing she can do that will deprive her of the state's obligation to house, feed, and entertain her."

I asked the doctor from Madras if poverty was the word he would use to describe this woman's situation. He said it was not: that her problem was that she accepted no limits to her own behavior, that she did not fear the possibility of hunger, the condemnation of her own parents or neighbors, or God. In other words, the squalor of England was not economic but spiritual, moral, and cultural.

I often take my doctors from the Third World on the short walk from the hospital to the prison nearby. It is a most instructive 800 yards. On a good day—good for didactic purposes, that is—there are seven or eight puddles of glass shattered into fragments lying in the gutter en route (there are never none, except during the most inclement weather, when even those most addicted to car theft control their impulses).

"Each of these little piles of smashed glass represents a car that has been broken into," I tell them. "There will be more tomorrow, weather permitting."

The houses along the way are, as public housing goes, quite decent. The local authorities have at last accepted that herding people into giant, featureless, Le Corbusian concrete blocks was a mistake, and they have switched to the construction of individual houses. Only a few of their windows are boarded up. Certainly by comparison with housing for the poor in Bombay, Madras, or Manila they are spacious and luxurious indeed. Each has a little front yard of grass, surrounded by a hedge, and a much larger back yard; about half have satellite dishes. Unfortunately, the yards are almost as full of litter as municipal garbage dumps.

I tell my doctors that in nearly nine years of taking this walk four times a week, I have never seen a single instance of anyone attempting to clean his yard. But I have seen much litter dropped; on a good day, I can even watch someone standing at the bus stop dropping something on the ground no farther than two feet from the bin.

"Why don't they tidy up their gardens?" asks a doctor from Bombay.

A good question: after all, most of the houses contain at least one person with time on his or her hands. Whenever I have been able to ask the question, however, the answer has always been the same: I've told the council [the local government] about it, but they haven't come. As tenants, they feel it is the landlord's responsibility to keep their yards clean, and they are not prepared to do the council's work for it, even if it means wading through garbage—as it quite literally does. On the one hand, authority cannot tell them what to do; on the other, it has an infinitude of responsibilities towards them.

I ask my Third World doctors to examine the litter closely. It gives them the impression that no Briton is able to walk farther than ten yards or so without consuming junk food. Every bush, every lawn, even every tree, is festooned with chocolate wrappers or fast-food packaging. Empty cans of beer and soft drinks lie in the gutter, on the flower beds, or on top of the hedges. Again, on a good day we actually see someone toss aside the can whose contents he has just consumed, as a Russian vodka drinker throws down his glass.

Apart from the antisocial disregard of the common good that each little such act of littering implies (hundreds a week in the space of 800 yards alone), the vast quantity of food consumed in the street has deeper implica-

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tions. I tell the doctors that in all my visits to the white households in the area, of which I've made hundreds, never—not once—have I seen any evidence of cooking. The nearest to this activity that I have witnessed is the reheating of prepared and packaged food, usually in a microwave. And by the same token, I have never seen any evidence of meals taken in common as a social activity—unless two people eating hamburgers together in the street as they walk along be counted as social.

This is not to say that I haven't seen people eating at home; on the contrary, they are often eating when I arrive. They eat alone, even if other members of the household are present, and never at table; they slump on a sofa in front of the television. Everyone in the household eats according to his own whim and timetable. Even in so elementary a matter as eating, therefore, there is no self-discipline but rather an imperative obedience to impulse. Needless to say, the opportunity for conversation or sociality that a meal taken together provides is lost. English meals are thus solitary, poor, nasty, brutish, and short.

I ask the doctors to compare the shops in areas inhabited by poor whites and those where poor Indian immigrants live. It is an instructive comparison. The shops the Indians frequent are piled high with all kinds of attractive fresh produce that, by supermarket standards, is astonishingly cheap. The women take immense trouble over their purchases and make subtle discriminations. There are no precooked meals for them. By contrast, a shop that poor whites patronize offers a restricted choice, largely of relatively expensive prepared foods that at most require only the addition of hot water.

The difference between the two groups cannot be explained by differences in income, for they are insignificant. Poverty isn't the issue. And the willingness of Indians to take trouble over what they eat and to treat meals as important social occasions that impose obligations and at times require the subordination of personal desire is indicative of an entire attitude to life that often permits them, despite their current low incomes, to advance up the social scale. Alarmingly, though, the natural urge of the children of immigrants to belong to the predominant local culture is beginning to create an Indian underclass (at least among young males): and the taste for fast food and all that such a taste implies is swiftly developing among them.

When such slovenliness about food extends to all other spheres of life, when people satisfy every appetite with the same minimal effort and commitment, no wonder they trap themselves in squalor. I have little trouble showing my doctors from India and the Philippines that most of our patients take a fast-food approach to all their pleasures, obtaining them no less fleetingly and unstrenuously. They have no cultural activity they can call their own, and their lives seem, even to them, empty of purpose. In the welfare state, mere survival is not the achievement that it is, say, in the cities of Africa, and therefore it cannot confer the self-respect that is the precondition of self-improvement.

By the end of three months my doctors have, without exception, reversed their original opinion that the welfare state, as exemplified by England, represents the acme of civilization. On the contrary, they see it now as creating a miasma of subsidized apathy that blights the lives of its supposed beneficiaries. They come to realize that a system of welfare that makes no moral judgments in allocating economic rewards promotes antisocial egotism. The spiritual impoverishment of the population seems to them worse than anything they have ever known in their own countries. And what they see is all the worse, of course, because it should be so much better. The wealth that enables everyone effortlessly to have enough food should be liberating, not imprisoning. Instead, it has created a large caste of people for whom life is, in effect, a limbo in which they have nothing to hope for and nothing to fear, nothing to gain and nothing to lose. It is a life emptied of meaning.

"On the whole," said one Filipino doctor to me, "life is preferable in the slums of Manila." He said it without any illusions as to the quality of life in Manila.

These doctors have made the same journey as I, but in the reverse direction. Arriving as a

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young doctor in Africa 25 years ago, I was horrified at first by the physical conditions, the like of which I had never experienced before. Patients with heart failure walked 50 miles in the broiling sun, with panting breath and swollen legs, to obtain treatment—and then walked home again. Ulcerating and suppurating cancers were common. Barefoot men contracted tetanus from the wounds inflicted by a sand flea that laid its eggs between their toes. Tuberculosis reduced people to animated skeletons. Children were bitten by puff adders and adults mauled by leopards. I saw lepers with noses that had rotted away and madmen who wandered naked in the torrential rains.

Even the accidents were spectacular. I treated the survivors of one in Tanzania in which a truck—having no brakes, as was perfectly normal and expected in the circumstances—began to slide backward down a hill it had been climbing. It was laden with bags of corn, upon which 20 passengers, including many children, were riding. As the truck slid backward, first the passengers, then the corn, fell off. By the time I arrived, ten dead children were lined up by the side of the road, arranged in ascending order as neatly as organ pipes. They had been crushed or suffocated by the bags of corn that fell on top of them: a grimly ironic death in a country chronically short of food.

Moreover, political authority in the countries in which I worked was arbitrary, capricious, and corrupt. In Tanzania, for example, you could tell the representative of the sole and omnipotent political party, the Party of the Revolution, by his girth alone. Tanzanians were thin, but party men were fat. The party representative in my village sent a man to prison because the man's wife refused to sleep with him. In Nigeria the police hired out their guns by night to the armed robbers.

Yet nothing I saw—neither the poverty nor the overt oppression—ever had the same devastating effect on the human personality as the undiscriminating welfare state. I never saw the loss of dignity, the self-centeredness, the spiritual and emotional vacuity, or the sheer ignorance of how to live, that I see daily in England. In a kind of pincer movement, therefore, I and the doctors from India and the Philippines have come to the same terrible conclusion: that the worst poverty is in England—and it is not material poverty but poverty of soul. ■

CITY
JOURNAL

Meet the *City Journal* Contributing Editors!

On Thursday, May 13, The Manhattan Institute will be hosting a special conference in honor of *City Journal*. Attendees will have the opportunity to meet with our writers and learn how *City Journal* has helped change urban policy in America today. Confirmed speakers include:

Myron Magnet
Heather Mac Donald
Sol Stern
William J. Stern

Thursday, May 13, 1999
11:00 a.m.–2:00 p.m.
Grand Hyatt
Park Avenue at 42nd Street

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Letters

Fault-Free Willie

To the editor:

Despite the fact that *City Journal* has months to prepare an in-depth article, the authors of "Willie Brown Shows How Not to Run a City" (Autumn 1998) did not even abide by even the most basic standards utilized by journalists working under a 24-hour deadline. The authors did not confirm quotations, verify quotations taken out of context, or authenticate the accuracy of statistics; and they failed to contact a single person at City Hall for response. Almost every paragraph of this "scholarly" piece contained blatant errors and innuendo that depict a San Francisco unknown to those of us who live here.

The article states that, "For the first six months of 1998, murder is up a frightening 43 percent." No context is provided to explain that in 1997, San Francisco had the lowest number of homicides since 1967. In fact, there were 66 murders in 1997, down from 84 in 1996 and a staggering 50 percent lower than the 133 murders that occurred during former mayor Frank Jordan's second year as mayor. These facts reveal that, compared with the Jordan administration, murder has declined every year since Mayor Brown took office.

The authors also claim that District Attorney Terence Hallinan wants to "decriminalize prostitution." What the article omits, however, is Hallinan's fervent support for San Francisco's First Offender of Prostitution Program, which has twice been chosen as a finalist for the Innovations in American Government Award by Harvard University and the Ford Foundation.

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The authors claim, "With Brown and Hallinan running the show, it won't be long before even the official crime rates start to creep up again." This statement is puzzling, since statistics show that under the guidance of Brown, Hallinan, and Police Chief Fred Lau, San Francisco's crime rate has dropped in most categories, including robbery, aggravated assault, auto boosting, other larceny, and auto theft. Other than a journalistic bias that undermines the credibility of the entire article, it is curious as to why the authors would extrapolate a rise in crime rate from these facts.

Treasure Island is yet another example of the article's over-abundance of hyperbole and exaggeration. The authors write of Treasure Island, "Brown has used it as a private preserve, hosting lavish parties and offering development contracts to cronies." To date, there have been no private parties sponsored by Mayor Brown. In addition, contracts with the city and county of San Francisco—of which Treasure Island is not yet a part—are reviewed and awarded only with the approval of the Treasure Island Redevelopment Authority. Any contracts over $10 million or exceeding ten years must be approved by the San Francisco Board of Supervisors. Real-estate leases are awarded on a competitive basis in an open public process. More than 150,000 people have visited Treasure Island in the last six to eight months, so it is hardly a private playground for the administration.

Another inaccuracy pertains to the quality of life within the neighborhoods of San Francisco. Haight Street is described as a place where "wild-eyed street

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people harass pedestrians on every corner," whereas in reality (something the article clearly has difficulty portraying), real-estate values and rents on Haight Street have risen. Both residential and commercial vacancies are in the single digits, symbolizing San Francisco's appeal as a place where people choose to work and live. The 720,000 residents and 130,000 daily tourists would not come to San Francisco if it were the crime-ridden, imperialistic, and downtrodden place the article describes.

To the authors' credit, one single paragraph correctly portrays Mayor Brown's ability to run San Francisco. Unemployment is at a staggeringly low 3.5 percent, compared with the 6 percent statewide rate. Last year, tourists spent $4 billion while visiting the city. San Francisco used its $130 million surplus to fund new programs for children, municipal transit, and to refinance its debt and improve its bond rating. Hotel and business tax revenues have risen.

Despite its robust economy, San Francisco is by no means void of its problems. However, while public discourse and informed criticism are part of the necessary self-reflection that is required to address issues like poverty and crime in urban centers such as San Francisco, *City Journal*'s article reflects only the tolerance of poor journalistic standards rather than participatory public journalism.

Kandace Bender
Press Secretary to Mayor Willie Brown
John Shanley
Public Information Officer,
District Attorney's Office, San Francisco

Brian C. Anderson responds: Tellingly, Ms. Bender and Mr. Shanley don't say a word about one of our key arguments: that Mayor Brown's reversal of his predecessor Frank Jordan's quality-of-life campaign, Operation Matrix, has dramatically worsened San Francisco's homelessness problem. Matrix followed sociologist George Kelling's now famous "broken windows" policing theory: that an unrepaired broken window sends the message that no one cares, egging on would-be criminals to act on their antisocial impulses; conversely, a window quickly repaired says that society does care, dissuading potential lawbreakers. In other words, so-called victimless crimes—such as urinating in public or sleeping on the sidewalk—aren't victimless after all: in undermining civic order, they lead to more dangerous crimes. Matrix was successful in moving the homeless off the streets and into San Francisco's innumerable shelters, and serious crime subsequently plummeted, as the broken-windows theory would predict. The public felt safer, and tourism boomed. Matrix was that rare creature, a public-policy success.

Bender and Shanley say nothing about this because Mayor Brown's old-paradigm approach to the homeless—treating vagrants as victims of a cruel economic system—has been an unmitigated disaster. To his credit, the mayor has recently backed away from his earlier approach, launching a quality-of-life campaign strikingly similar to Matrix. But the damage has been done: a conservative estimate puts the number of homeless in San Francisco at 16,000—at least double what it was under Jordan's watch. Whether Brown's change of heart is real or not, however, remains to be seen.

Bender and Shanley's specific charges are an odd mixture of *ad hominem* invective and outright disingenuousness. In writing the article, my co-author and I drew on hours of interviews and a wide reading of the Bay Area press. Brown's defenders offer not a single quotation taken out of context or inaccurate statistic, though they claim an abundance of them. As for not contacting a single person at City Hall for a response—it's a blatantly false accusation. Twice I called City Hall to set up an interview with Mayor Brown, explaining that *City Journal* planned an article on his administration. I wasn't given the courtesy of a return call.

Let me treat in order Bender and Shanley's other arguments. Brown's chosen defenders have made an exceedingly weak case for their boss:

1. Bender and Shanley don't deny that murder increased a frightening 43 percent for the first six months of 1998 (they say nothing of rape, which increased 21 percent over the same period), as *City Journal* noted. Instead, they attack us for denying "the context," which they think lessens the severity of that alarming statistic. But as readers of the original article will quickly see, we do supply historical context, and point out that violent crime had been dropping in San Francisco, even after Mayor

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Brown took office—largely as a result, we hypothesize, both of California's statewide efforts at fighting crime and the lingering effects of Operation Matrix. Our argument, rather, was prospective: San Francisco is increasingly becoming an unsafe place as a result of Mayor Brown and District Attorney Hallinan's lax attitude toward crime—rooted in the discredited sixties-bred notion that "society" is to blame for criminality—and their related refusal to embrace fully the quality-of-life policing that has made New York City, and many other urban centers across the country, much safer. The lamentable increase in murder and rape—and drug dealing, which Bender and Shanley also ignore—is a sign that the Brown administration's bad policies are beginning to have serious real-world consequences.

2. Our article says Hallinan wants to decriminalize prostitution. To this, Bender and Shanley offer a bizarre *non sequitur*: they complain that *City Journal* doesn't mention Hallinan's "fervent" support of the First Offender of Prostitution Program—which decriminalizes prostitution! O.K., I've mentioned it now. That the Ford Foundation and Harvard University have celebrated the program comes as no surprise: both are deeply mired in the old-paradigm urban thinking that almost destroyed the American city over the past three decades. (For more on the Ford Foundation, see Heather Mac Donald's trenchant article "The Billions of Dollars That Made Things Worse," Autumn 1996.)

3. Bender and Shanley are startlingly disingenuous on Treasure Island, a piece of property formerly run by the Department of Defense in San Francisco Bay that offers a magnificent view of the city. The Bay Area press calls it "Willigan's Island" and "Willieworld" for a reason: Brown has rented it out repeatedly to various San Francisco bigwigs, generating much public resentment and even a citywide ballot initiative, passed in June, that sought—unsuccessfully, thus far—to wrest control of the island from Brown. Are Bender and Shanley actually claiming these weren't private parties? Why the big fuss over them, then? Until the fall of 1998, Brown needlessly kept the public away from the island; only after public pressure mounted has he begun to relent, and tens of thousands of people have been allowed to visit the island over the last few months. The Treasure Island Authority is appointed by Brown and works out of his office, so to claim its independence from Brown, as Bender and Shanley do, rings hollow, to say the least. The public was outraged again when, late in 1998, the authority recommended a key development project go to a team with close ties to Brown, even though, critics charge, the agreement would have brought in far less money than other proposals. The authority was forced to reconsider its decision.

4. If Haight Street is such a wonderful place these days, why was it a principal target for the mayor's recent Matrix-style crackdown on disorder? Haight Street has made national news for its newly uncivil and even dangerous atmosphere. Just ask a few merchants on the street, who have had to put up with the chaos. Even hardened civil libertarians have had it.

5. As we said, San Francisco does have a robust economy, but Bender and Shanley don't address our argument that it is, at least in part, an illusion: San Francisco is becoming a city of reverse commuters, with people working in hi-tech Silicon Valley south of the city—where the average salary is $75,000—and returning home to enjoy the city's chic cafés and exciting nightlife. Will these "cyber-yuppies" stay put as San Francisco's quality of life plummets, or will the beautiful communities north and south of the city increasingly lure them? Time will tell.

Bender and Shanley, perhaps wisely, remain silent about other economic developments we canvass, including recent mergers affecting San Francisco's financial sector, which will cost the city thousands of jobs as firms seek more affordable business environments, and the growing dissatisfaction of San Francisco's hot multimedia companies, a third of which are thinking about leaving town because of astronomical rents.

San Francisco, Bender and Shanley correctly, if ungrammatically, observe, "is by no means void of its problems." But under Willie Brown, those problems—especially regarding the city's quality of life—are getting worse, and they are getting worse because of bad public policies. I'm not sure what "par-

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ticipatory" public journalism means—if anything—but if *City Journal* has helped open a few eyes to the true nature of San Francisco's difficulties, that seems to me the very definition of public journalism.

What's a Poor Boy to Do?

To the editor:

Janet Daley ("Progressive Ed's War on Boys," Winter 1999) is decidedly selective in commenting on Britain's educational situation. Our girls now surpass our boys in all subjects in national examinations at 16, and at 18 they are only marginally less successful in physics. This is an extraordinary situation, which owes much to positive efforts by authorities. The lesson is doubtless applicable to the U.S., where, for example, in the top 10 percent of science grades, boys outnumber girls by five to one.

Daley implies that education in Britain is now so boring that boys are switched off, poor things. The tortoise-like girls, without a scrap of imagination, simply plod on and do better than the truly brilliant boys, the hares. Thus, she argues, girls are not really clever like boys. One would think they were scrubbing floors rather than soaring high in mathematics.

But girls are not doing better because boys are doing worse. In Britain, the standard of education in the nineties has risen for all, a trend that is continuing with government curriculum obligations in early literacy and numeracy.

Daley is also wrong in some of her data. The selective grammar schools only ever did well for the middle-income groups. The poor were far less likely to be selected because entry at 11+ was by achievement, and their poverty had a detrimental effect. The upper classes continued at private schools as they had always done. Nor has the proportion of working-class university students fallen. Although it is much the same at her "traditional universities"—presumably, Oxford and Cambridge—as it has always been, it is vastly increased at all other universities, and is going up sharply.

Like many detractors, Daley fails to reach conclusions or make suggestions. Nor does she mention that in the world of work, the men reign. Women still have some way to go.

Joan Freeman
Middlesex University
London, England

Janet Daley responds:

Joan Freeman's letter about my article is positively bizarre. Nowhere in my piece did I state that "education in Britain is now so boring that boys are switched off [but that] girls, without a scrap of imagination, simply plod on and do better than the truly brilliant boys." This is so far from what I actually wrote that it can only be attributed to paranoid feminist fantasy. Did she read my article? How on earth could she have concluded that my argument amounted to the assertion that "girls are not really clever like boys"? As an ex-philosophy don myself, and the mother of two extremely clever daughters, I cannot imagine uttering such a view, let alone committing it to print.

Furthermore, her facts are wrong. The standard of state-school education "for all" has not risen in the nineties. By international testing standards, Britain has fallen below the level of almost every developed country—except the United States, I'm sorry to say. The selective grammar schools, which accepted every pupil who passed an examination at the age of 11 (known as the 11+), rescued huge numbers of working-class children from the limitations of their backgrounds. The proportion of working-class children who get into university—not just Oxford and Cambridge, but all the real universities, as opposed to the new so-called universities, which, by U.S. standards, are no more than junior colleges—was higher under the old selective system than under the non-selective comprehensives that replaced it. Ms. Freeman's naïve brand of political ax-grinding has done more to damage British education than any number of 11+ exams.

A Prescription to Reduce Crime?

To the editor:

I would like to offer a "response from a methadone patient" to Theodore Dalrymple's "Addicted to Addicts" (Winter 1999).

Dalrymple's opinion typifies the thought of many misinformed, well-intentioned people who regard methadone treatment as mere drug substitution.

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Nothing could be further from the truth. Dalrymple completely ignores the difference between addiction and dependency, which is the crux of the issue. Methadone will continue to be unfairly stigmatized and treated as a scapegoat until this difference is widely understood.

Heroin produces euphoria, and the user's tolerance skyrockets—which is not the case with methadone. Heroin may seriously impair health; methadone does not. Heroin users lie, steal, beg, and scam for drugs; methadone patients do not. Heroin users lose motivation; methadone patients earn degrees, build businesses, raise families, and succeed in many walks of life. Heroin users take from society; methadone patients give back to society—and most even pay for their treatment.

Dalrymple brushes off and demeans the drug's true accomplishments, stating: "Considerable evidence exists that, in many cases, the . . . drug reduces heroin addicts' lawbreaking; and if they don't become upstanding pillars of the community, at least they cease being quite so destructive of themselves and others. This is a triumph of a kind."

Now that I have stopped gagging, let me explain: if your personal definition of "pillar of the community" includes people who lead quiet, law-abiding lives—working, paying taxes, raising families, and attending meetings to help each other stay clean—then many methadone patients qualify. These quiet lives are the true pillars—not self-appointed arbiters of morality like Dalrymple who get high on attacking, moralizing, and demonizing that which he does not understand.

Of course, there are cases of abuse. Historically, methadone has been a last resort for the "hardest of the hard-core" addicts for whom all else has failed. Some methadone patients continue to use other drugs, and some engage in other addictive behaviors (mostly petty crime) to pay for them. In time, however, most of these severe addicts begin to come round, and take positive steps toward recovery.

Methadone has been studied in clinical settings for over 30 years. A mountain of hard statistical findings bears out my claims. The American Medical Association has defined addiction as a disease; some people refuse to accept that definition. If folks want to disagree with medical science—fine, they are entitled to their opinion. However, when respected publications present ignorance as credible opinion or fact, I take offense. I work hard to pay for my methadone treatment. The drug impairs neither my health nor my ability to work or study. Where is the harm done?

Dalrymple concludes his diatribe by insulting the therapeutic community, implying they condone methadone out of personal interest. Quite the contrary: take away the methadone, and there will be more therapeutic jobs than ever—not to mention the many new openings for police officers, prison guards, and morticians.

R. Vlahos
Arlington, VA

To the editor:

If not methadone, what was Theodore Dalrymple ingesting when he wrote his misanthropic article "Addicted to Addicts"? Its cynical tone treated both physicians and addicts in a shabby and facile manner. He writes that policy makers are more interested in the damage to society by drug addiction than the "fate of individual addicts." Who causes the damage to society? Collectively, the individual addicts do, and it would seem logical to address the problem from the bottom up. His argument that methadone just creates a different addiction ignores his own point that methadone maintenance prevents crime. Is the city's methadone program more expensive to society than the cost of crime and incarceration? If you have those figures, Mr. Dalrymple, please show us.

Dalrymple also writes that Mayor Giuliani does not want to treat addicts as if they were ill, because they chose addiction. This is resurrecting Dark Age conventional wisdom, and he might check with the AMA. I am a recovering addict—my drug of choice was alcohol—and I can assure you I did not choose to be an addict, nor have I met anyone who did. I agree that many addicts use an easy "I'm sick and can't help myself" excuse. But they can help themselves if given some chance by society. In many cases, methadone offers this less-than-perfect chance and prevents crime and prison time.

The idea that physicians are "Addicted to Addicts" is facetious. Most doctors follow the

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simple, bespoken rule to "do no harm." It's a pity that that simple axiom is not followed by political crowd-pleasers and ill-informed journalists who want to be tough-minded and cute at the same time.

Mark Blackman
New York, NY

Theodore Dalrymple responds:
Neither Mr. Blackman nor Mr. Vlahos answers my point that it is perfectly possible for methadone both to reduce the level of offending in individual addicts and to increase the overall amount of drug-related crime in society. Britain is now awash with methadone, but there is as yet no sign that drug-related crime is on the wane.

Both Mr. Blackman and Mr. Vlahos use the argument from authority to prove that addiction is an illness like pneumonia: the American Medical Association says so. But professional associations are not immune from the vagaries of political fashion. Not long ago, the American Psychiatric Association considered homosexuality to be a disease, but—after much political lobbying—it does so no longer. Are we not to think for ourselves, but to accept what professional associations decree, just as fellow travelers once accepted contradictory doctrinal fiats from Moscow?

Many addicts known to me recognize the dependence of some members of the "therapeutic community"—not quite as monolithic as the term implies—upon a continuing supply of people who take methadone for prolonged periods.

A Figure of Speech

To the editor:
I am honored to be a focal point of Brian C. Anderson's criticism of the New York State Legislature ("How 211 Nobodies Strangle New York," Winter 1999).

I hope your readers understand that my reference to "throwing bombs" is just a figure of speech.

Mr. Anderson incorrectly refers to me as "seeking to decriminalize pot." Marijuana was decriminalized in New York State 22 years ago. I seek to authorize physician-supervised and state-monitored use of marijuana by people with serious medical conditions. Thousands of New Yorkers suffer from cancer, multiple sclerosis, and AIDS whose lives could be made longer and more tolerable by medical marijuana. The law allows medical use of controlled substances that have a high potential for abuse, addiction, and harm. The exclusion of marijuana is an example of political correctness outweighing legitimate medical judgment.

About the caricature of me in the article: I've never worn bell-bottoms, a headband, or anything faintly resembling the psychedelic jacket that artist Arnold Roth dressed me in. My style has been pretty boring all my life. However, my concern is not sartorial but political. The cartoon implies a set of political and social views that have never been mine. The attitudes of self-indulgence, "dropping out," disrespect for the political process, and lack of tolerance for people you disagree with—which many readers may associate with people who dressed that way—have always been anathema to me. Among the things that always troubled me about those attitudes is that they easily transform into right-wing politics.

Since about the age of 12, I have been a firm believer in active involvement in the politics of our representative democracy, constitutional values including mutual respect and civil liberties, and using governance to advance social justice.

Richard Gottfried
New York State Assembly

Brian C. Anderson responds:
I never meant to suggest that Assemblyman Gottfried wasn't an effective and principled legislator. His effectiveness is precisely the problem.

For three decades, he has promoted policies that have made New York—both state and city—a basket case in every imaginable way: taxes bloated to business-killing levels; under-performing and expensive schools and the absence of real education reform; criminal-friendly laws that undermine public safety—one could go on and on. Though Arnold Roth's caricature of the assemblyman—worthy of Daumier—might not have captured his sartorial style, it certainly did capture the spirit of his musty ideas. And while Gottfried's bombs may be made of words, they've done quite a bit of damage.

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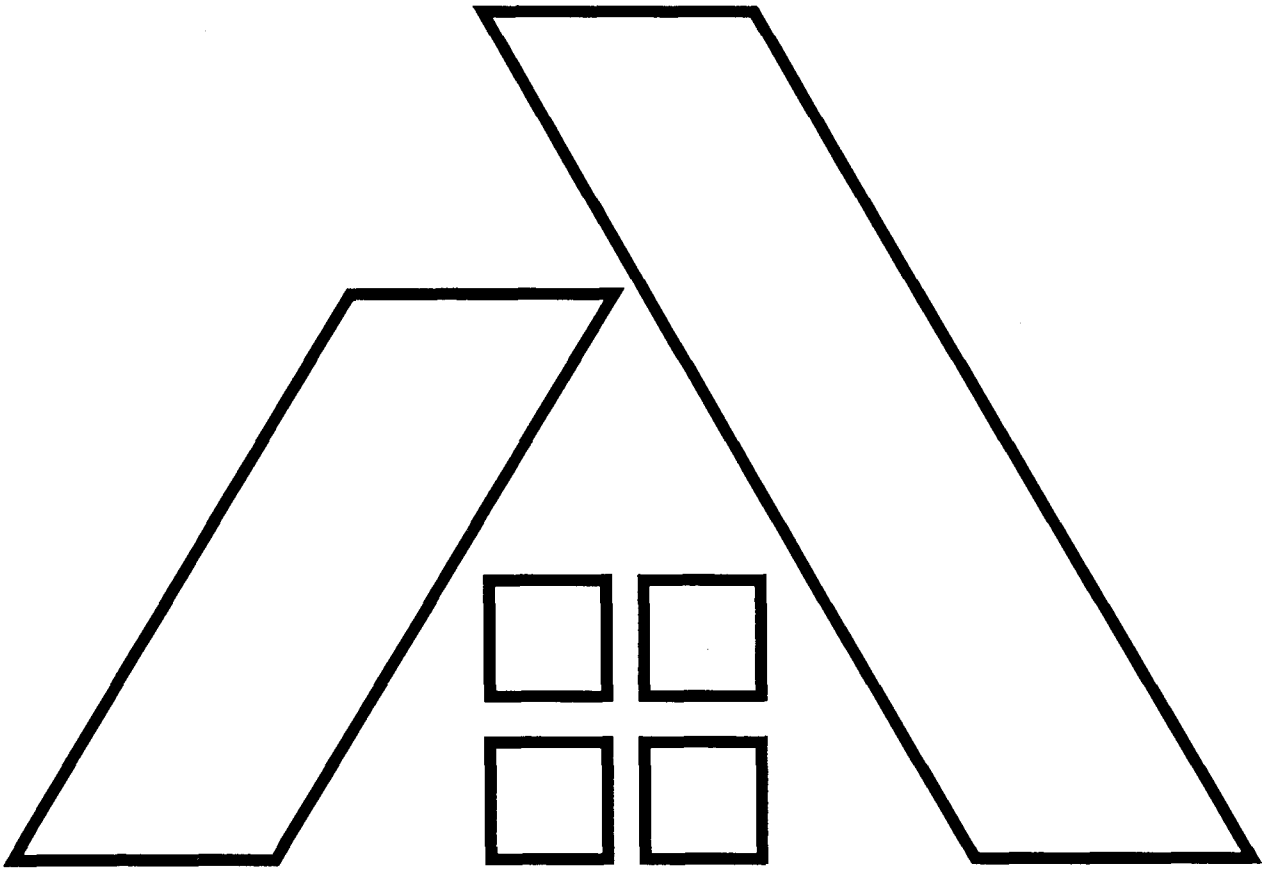

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William J. Bratton has managed five police agencies in Boston and New York, serving as police commissioner in both cities. He has written an autobiography of his crime-control successes, *Turnaround*, and is now president and chief operating officer of CARCO Group, Inc.

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Our cover painting shows a detail from *Washington Arch, Spring* (1890), by Childe Hassam. Courtesy The Phillips Collection.

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Police Excess?

Norah Vincent

When I moved to Alphabet City in the fall of 1994, I had grave doubts whether I could survive in my dangerous new neighborhood, much less feel at home. But an incredibly affordable apartment with a view—and its own washer and dryer? I allayed my fears by thinking that I wouldn't ever have to go out, even to do laundry. In New York, everything's deliverable, right?

For the first few months, I actually didn't go out much, at least after dark, and the winter passed uneventfully. I learned that 10th and 12th Streets were safely passable east of Avenue A, but that 11th and 13th were not. An inveterate Lower East Sider informed me—whether accurately or not, I still don't know—that the pairs of sneakers I saw knotted together and thrown over the lampposts on 11th Street were markers of gang territory. After he told me that, I began to notice, with creeping unease, the murals memorializing dead gang members spray-painted on bodegas and thrift shops throughout the neighborhood.

That summer, things changed. I began seeing blue NYPD barricades on 13th Street. Like most locals, I'd heard rumblings all summer about disturbances between police and squatters on 13th Street, but I'd never seen any actual squatters, and it hadn't occurred to me that violence might break out. The squatters really didn't threaten me, but their grungy presence did keep the neighborhood downmarket. Their buildings at 535 to 545 East 13th Street looked decrepit and made the neighborhood's atmosphere tenser.

That July 4th, I'd gone to a party on a friend's rooftop. Walking home after 11, I'd looked up long enough on Avenue C to notice a couple of helicopters hovering over a nearby intersection. Hearing the rapid tat-tat of firecrackers and the boom of M-80s—favorite toys of Alphabet City's teens any night of the year, and especially on Independence Day—I felt like I'd stumbled on to the set of *Apocalypse Now*. When I reached my doorstep at 12th Street and Avenue B, a teeming mob engulfed me.

Just one block from the police barricade that sealed off the commandeered buildings on 13th Street, a noisy group of squatters' rights sympathizers had gathered. The crowd chanted "Pigs go home," as a phalanx of policemen in riot gear fanned out across Avenue B, on the north side of the intersection facing us. The police helicopters I'd seen from afar chattered loudly overhead, sweeping searchlights over the scene. That night, New York's finest seemed menacing and repressive: after most of the protesters ignored a command to disperse, a wall of shields and helmets plowed its way down 12th Street. I watched as police body-slammed people on the pavement, handcuffed them, and carted them away. It all looked like a war zone: something out of *Terminator* or the L.A. riots.

This was the bleak scene in my neighborhood almost four years ago. Now the picture is quite different, thanks to the Giuliani administration's refusal that night and others to back down from its hard line on neighborhood renewal. In August 1996, police finally drove the squatters from 13th Street, and, soon after, the city gutted and refurbished the squalid buildings they had occupied. Now they look clean, safe, and well managed. Police cruisers patrolling now are a common, and benign, sight. I'm no longer afraid to walk after dark in my neighborhood.

Other neighborhood benefits have followed the squatters' removal. Restaurateurs are now willing to set up shop here. Back in 1994, a high-end French bistro, like the new Café Margaux that today flourishes on 11th and B, couldn't have enticed even the most intrepid of the uptown taxi set to *el barrio*. Now the swells come willingly and often. Last October, the popular rotisserie Radio Perfecto opened its doors on Avenue B between 11th and 12th Streets. Every night it draws friendly, clean-cut crowds of young professionals. I stop in often to chat with owner Peter Dupre, whose ebullience is catching and will, no doubt, flow out into the street this spring, when Radio Perfecto rolls up its entire facade—a glass garage door—and serves the masses *alfresco*.

Now that the NYPD, which I wrongly had thought excessive that frightening evening four years ago, has made my neighborhood livable, chances are I'll be dining outside too—and well after 9 PM. ■

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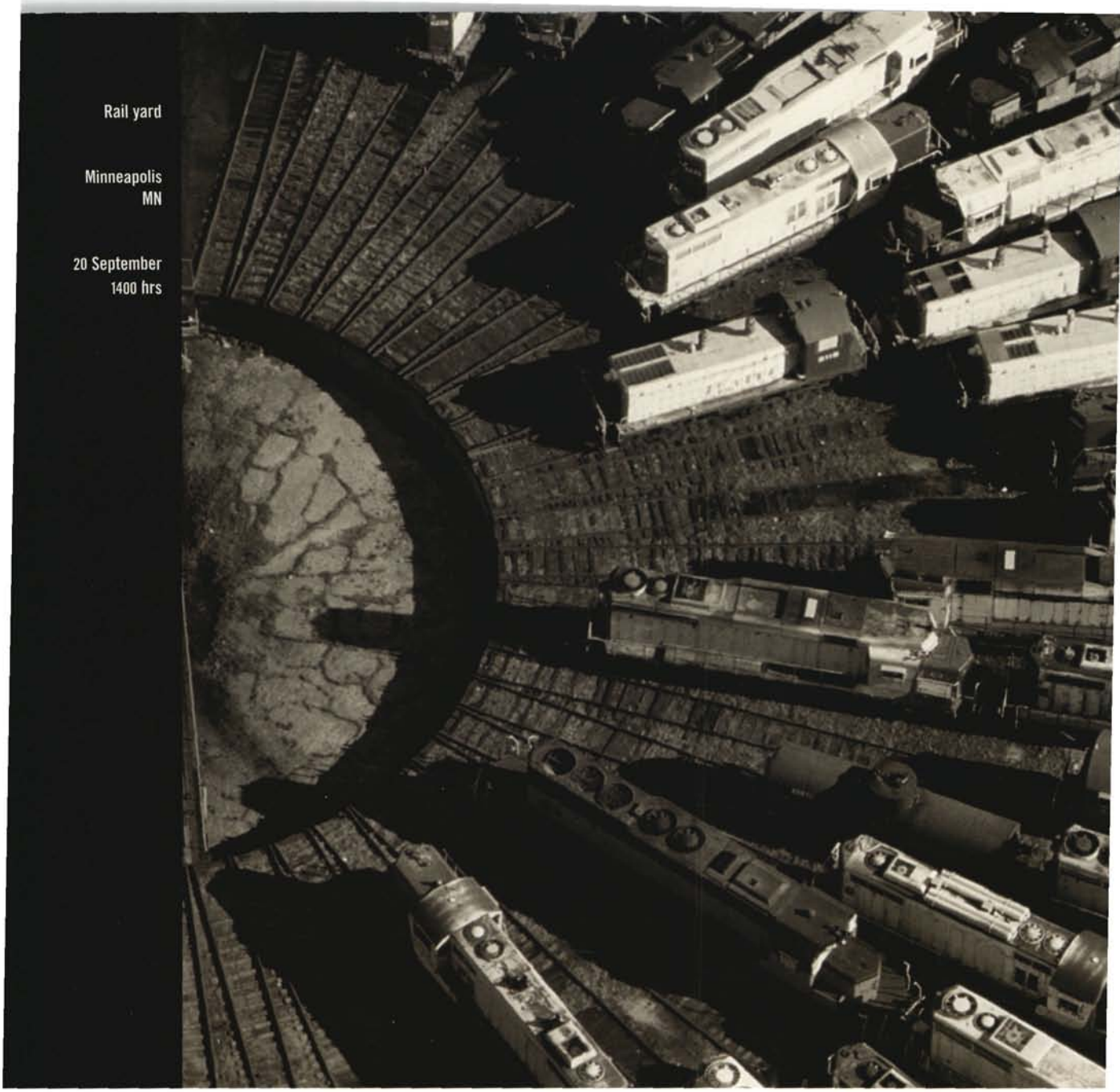

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